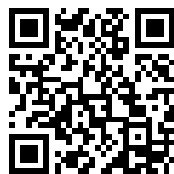

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JURISDICTION OVER FEDERAL AREAS WITHIN THE STATES

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OF MICHIGAN

JUL 24 1956

REPORT OF THE
INTERDEPARTMENTAL COMMITTEE
FOR THE STUDY OF
JURISDICTION OVER FEDERAL AREAS
WITHIN THE STATES

PART I

The Facts and Committee Recommendations

Submitted to the Attorney General and transmitted to the President

April 1956

INTERDEPARTMENTAL COMMITTEE FOR THE STUDY OF JURISDICTION OVER
FEDERAL AREAS WITHIN THE STATES

PERRY W. MORTON, Assistant Attorney General, *Chairman*
MANSFIELD D. SPRAGUE,¹ General Counsel, Department of Defense, *Vice Chairman*
MAXWELL H. ELLIOTT, General Counsel, General Services Administration, *Secretary*
ARTHUR B. FOCKE, Legal Adviser, Bureau of the Budget
J. REUEL ARMSTRONG, Solicitor, Department of the Interior
ROBERT L. FARRINGTON, General Counsel, Department of Agriculture
PARKE M. BANTA, General Counsel, Department of Health, Education, and Welfare
EDWARD E. ODOM,² General Counsel, Veterans' Administration

¹ Succeeded Wilber M. Brucker on October 13, 1955.

² Retired as General Counsel effective March 1, 1956.

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1956

Staff Director

EDWARD S. LAZOWSKA, Department of Justice

Principal Advisor, Part I

HENRY H. PIKE, Department of Defense

Principal Staff, Part I

HORACE B. ROBERTSON, Jr., Department of Defense

HAROLD HAM, Department of Agriculture

ROBERT W. GEWEKE, Department of Justice

Staff

Department of Justice:

HERMAN WOLKINSON, Civil Division
HELEN BUCKLEY, Tax Division
THOMAS A. PACE, Criminal Division
CALVIN W. DERRENGER, Office of Deputy Attorney General
ALICE MILLER, Internal Security Division
CHARLES S. SULLIVAN, Antitrust Division
CLARE LUND, Lands Division
ALICE B. BRIGHT, Lands Division

Department of Defense:

GEORGE D. HEINER
FRED FIALKOW
JOHN DAILEY, Jr.
BASIL S. NORRIS

Department of the Interior: BERNARD M. NEWBURG

General Services Administration: MARY L. GARDNER

Veterans' Administration: R. B. WHITE

Department of Health, Education, and Welfare: HELEN BOWMAN

(II)

THE WHITE HOUSE,
Washington, April 27, 1956.

DEAR MR. ATTORNEY GENERAL: I am herewith returning to you, so that it may be published and receive the widest possible distribution among those interested in Federal real property matters, part I of the Report of the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas within the States. I am impressed by the well-planned effort which went into the study underlying this report and by the soundness of the recommendations which the report makes.

It would seem particularly desirable that the report be brought to the attention of the Federal administrators of real properties, who should be guided by it in matters related to legislative jurisdiction, and to the President of the Senate, the Speaker of the House of Representatives, and appropriate State officials, for their consideration of necessary legislation. I hope that you will see to this. I hope, also, that the General Services Administration will establish as soon as may be possible a central source of information concerning the legislative jurisdictional status of Federal properties and that that agency, with the Bureau of the Budget and the Department of Justice, will maintain a continuing and concerted interest in the progress made by all Federal agencies in adjusting the status of their properties in conformity with the recommendations made in the report.

The members of the Committee and the other officials, Federal and State, who participated in the study, have my appreciation and congratulations on this report. I hope they will continue their good efforts so that the text of the law on the subject of legislative jurisdiction which is planned as a supplement will issue as soon as possible.

Sincerely,

DWIGHT D. EISENHOWER.

The Honorable HERBERT BROWNELL, Jr.,
The Attorney General, Washington, D. C.

(III)

LETTER OF TRANSMITTAL

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 27, 1956.

DEAR MR. PRESIDENT: On my recommendation, and with your approval, there was organized on December 15, 1954, an interdepartmental committee to study problems of jurisdiction related to federally owned property within the States.

This Committee has labored diligently during the ensuing period and now has produced a factual report (part I), together with recommendations for changes in Federal agency practices, and in Federal and State laws, designed to eliminate existing problems arising out of Federal-State jurisdictional situations.

Subject to your approval, I shall bring the report and recommendations to the attention of the President of the Senate and the Speaker of the House of Representatives for the purpose of bringing about consideration of the Federal legislative proposals involved to the attention of State officials through established channels for consideration of the State legislative proposals involved, and to the attention of heads of Federal departments and agencies, for their guidance in matters relating to this subject.

Part II of the Committee's report is now in course of preparation and will be completed in the next several months. It will be a text which will discuss the law applicable to Federal jurisdiction over land owned in the States. Immediately upon completion of the legal text it will be sent to you. The Committee is of the view, in which I concur, that the two parts of the report are sufficiently different in content and purpose that they may issue separately.

Respectfully,

HERBERT BROWNELL, Jr.,
Attorney General.

THE PRESIDENT,
THE WHITE HOUSE.

(IV)

LETTER OF SUBMISSION

INTERDEPARTMENTAL COMMITTEE FOR THE STUDY OF
JURISDICTION OVER FEDERAL AREAS WITHIN THE STATES,

April 25, 1956.

DEAR MR. ATTORNEY GENERAL: The Committee has completed its studies of the factual aspects of legislative jurisdiction over Federal areas within the several States, and of the Federal and State laws relating thereto, and herewith submits for your consideration and for transmission to the President its report subtitled "Part I. The Facts and Committee Recommendations."

Part II of the Committee's report will be completed within the next several months. It will be a text of the law on the subject of legislative jurisdiction, particularly covering judicial decisions and rulings of legal officers of administrative agencies concerning the subject. It is the view of the Committee that the two mentioned parts of the report are sufficiently different in their contents and purposes that they may issue separately.

Respectfully submitted,

PERRY W. MORTON,

Assistant Attorney General (Chairman).

MANSFIELD D. SPRAGUE,

General Counsel, Department of Defense (Vice Chairman).

MAXWELL H. ELLIOTT,

General Counsel, General Services Administration (Secretary).

ARTHUR B. FOCKE,

Legal Adviser, Bureau of the Budget.

J. REUEL ARMSTRONG,

Solicitor, Department of the Interior.

ROBERT L. FARRINGTON,

General Counsel, Department of Agriculture.

PARKE M. BANTA,

General Counsel, Department of Health, Education, and Welfare.

EDWARD E. ODOM,

Retired as General Counsel, Veterans' Administration.

PREFACE

The Interdepartmental Committee was formed on December 15, 1954, on the recommendation of the Attorney General, approved by the President and the Cabinet, that a study be undertaken with a view toward resolving problems arising out of the jurisdictional status of federally owned areas within the several States, and that in the first instance this study be conducted by a committee of representatives of eight certain departments and agencies of the Federal Government which have a principal interest in such problems. The Bureau of the Budget, the Departments of Defense, Justice, Interior, Agriculture, and Health, Education, and Welfare, the General Services Administration, and the Veterans' Administration are directly represented on the Committee, the Department of Justice through the Assistant Attorney General in charge of the Lands Division of that Department, and each of the other agencies through its General Counsel, Solicitor, or Legal Adviser. The Committee staff was assembled by detail, for varying periods, of personnel from the member agencies.

Twenty-five other agencies of the Federal Government furnished to the Committee information concerning their properties and concerning problems relating to legislative jurisdiction, without which information the study would not have been possible. The agencies, other than those represented on the Committee, which participated in this manner are:

- Department of State
- Department of the Treasury
- Post Office Department
- Department of Commerce
- Department of Labor
- Arlington Memorial Amphitheatre Commission
- Atomic Energy Commission
- Central Intelligence Agency
- Civil Aeronautics Board
- Farm Credit Administration
- Federal Civil Defense Administration
- Federal Communications Commission
- Federal Power Commission
- General Accounting Office

Housing and Home Finance Agency
 International Boundary and Water Commission, United States
 and Mexico
 Library of Congress
 National Advisory Committee for Aeronautics
 Office of Defense Mobilization
 Railroad Retirement Board
 Rubber Producing Facilities Disposal Commission
 Saint Lawrence Seaway Development Corporation
 Small Business Administration
 Tennessee Valley Authority
 United States Information Agency

Acknowledgment is gratefully made by the Interdepartmental Committee of the cooperation and assistance rendered in this study by the National Association of Attorneys General and its presidents during the period of the study, C. William O'Neill of Ohio (1954-55), and John Ben Sheppard of Texas (1955-56), by Herbert L. Wiltsee of the association's secretariat, and by the association's members, the attorneys general of the several States, who have very generously contributed information and advice in connection with the study in accordance with the following resolution of the association:

Whereas the matter of legislative jurisdiction over Federal areas within the States has become the subject of extensive examination by an interdepartmental committee within the executive branch of the Federal establishment, by order of the President of the United States; and

Whereas this matter is of interest to the several States, within whose borders an aggregate of more than 20 percent of the total land area is now owned by the Federal Government, and the effects of this ownership have resulted in an extremely diverse pattern of jurisdictional status and attendant questions as to the respective Federal and State governmental responsibilities; and

Whereas this interdepartmental committee, under the chairmanship of United States Assistant Attorney General Perry W. Morton, and with the approval of the executive committee of this association, has requested the attorneys general of the several States to cooperate in the assembling of pertinent information and legal research; now therefore be it

Resolved by the 49th annual meeting of the National Association of Attorneys General that this association expresses its interest in the survey thus being undertaken, and the association urges all of its members to cooperate as completely and expeditiously as possible in providing the interdepartmental committee with needed information; and be it further

Resolved, That the interdepartmental committee is requested to discuss its findings with the several attorneys general with the view to obtaining as wide concurrence as possible in the preliminary and final conclusions which may be reported by the committee.

September 1955

STATE ATTORNEYS GENERAL

John M. Patterson, Alabama
 Robert Morrison, Arizona
 T. J. Gentry, Arkansas
 Edmund G. Brown, California
 Duke W. Dunbar, Colorado
 John J. Bracken, Connecticut
 Joseph Donald Craven, Delaware
 Richard W. Ervin, Florida
 Eugene Cook, Georgia
 Graydon W. Smith, Idaho
 Latham Castle, Illinois
 Edwin K. Steers, Indiana
 Dayton Countryman, Iowa
 Harold R. Fatzer, Kansas
 J. D. Buckman, Jr., Kentucky
 Fred S. LeBlanc, Louisiana
 Frank F. Harding, Maine
 C. Ferdinand Sybert, Maryland
 George Fingold, Massachusetts
 Thomas M. Kavanagh, Michigan
 Miles Lord, Minnesota
 J. P. Coleman, Mississippi
 John M. Dalton, Missouri
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 Clarence S. Beck, Nebraska

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 C. William O'Neill, Ohio
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 Robert Y. Thornton, Oregon
 Herbert B. Cohen, Pennsylvania
 William E. Powers, Rhode Island
 T. C. Callison, South Carolina
 Phil Saunders, South Dakota
 George F. McCanless, Tennessee
 Allison B. Humphreys (Solicitor General, Tennessee)
 John Ben Sheppard, Texas
 Richard Callister, Utah
 Robert T. Stafford, Vermont
 J. Lindsay Almond, Jr., Virginia
 Don Eastvold, Washington
 John G. Fox, West Virginia
 Vernon W. Thomson, Wisconsin
 George F. Guy, Wyoming

The Interdepartmental Committee also wishes to acknowledge assistance contributed by the Council of State Governments, and by Charles F. Conlon, Executive Secretary of the National Association of Tax Administrators.

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JURISDICTION OVER FEDERAL AREAS WITHIN THE STATES

CHAPTER I

OUTLINE OF STUDY

The instant study was occasioned by the denial to a group of children of Federal employees residing on the grounds of a Veterans' Administration hospital of the opportunity of attending public schools in the town in which the hospital was located. An administrative decision against the children was affirmed by local courts, finally including the supreme court of the State. The decisions were based on the ground that residents of the area on which the hospital was located were not residents of the State since "exclusive legislative jurisdiction" over such area had been ceded by the State to the Federal Government, and therefore they were not entitled to privileges of State residency.

In an ensuing study of the State supreme court decision with a view toward applying to the Supreme Court of the United States for a writ of certiorari, the Department of Justice ascertained that State laws and practices relating to the subject of Federal legislative jurisdiction are very different in different States, that practices of Federal agencies with respect to the same subject vary extremely from agency to agency without apparent basis, and that the Federal Government, the States, residents of Federal areas, and others, are all suffering serious disabilities and disadvantages because of a general lack of knowledge or understanding of the subject of Federal legislative jurisdiction and its consequences.

Article I, section 8, clause 17, of the Constitution of the United States, the text of which is set out in appendix B to this report, provides in legal effect that the Federal Government shall have exclusive legislative jurisdiction over such area not exceeding 10 miles square as may become the seat of government of the United States, *and like authority over all places acquired by the Government, with the consent of the State involved, for Federal works.* It is the latter portion of this clause, the portion which has been emphasized, with which this report is primarily concerned.

The status of the District of Columbia, as the seat of government area referred to in the first part of the clause, is fairly well known. It is not nearly as well known that under the second part of the clause the Federal Government has acquired, to the exclusion of the States, jurisdiction such as it exercises with respect to the District of Columbia over several thousand areas scattered over the 48 States. Federal acquisition of legislative jurisdiction over such areas has made of them Federal islands within States, which the term "enclaves" is frequently used to describe.

While these enclaves, which are used for all the many Federal governmental purposes, such as post offices, arsenals, dams, roads, etc., usually are owned by the Government, the United States in many cases has received similar jurisdictional authority over privately owned properties which it leases, or privately owned and occupied properties which are located within the exterior boundaries of a large area (such as the District of Columbia and various national parks) as to which a State has ceded jurisdiction to the United States. On the other hand, the Federal Government has only a proprietorial interest, without the right to exercise legislative jurisdiction in the clause 17 sense, in vast areas of lands which it owns, for Federal proprietorship over land and Federal exercise of legislative jurisdiction with respect to land are not interdependent. And, as the Committee will endeavor to make clear, the extent of jurisdictional control which the Government may have over land can and does vary to an almost infinite number of degrees between exclusive legislative jurisdiction and a proprietorial interest only.

The Federal Government is being required to furnish to areas within the States over which it has jurisdiction in various forms governmental services and facilities which its structure is not designed to supply efficiently or economically. The relationship between States and persons residing in Federal areas in those States is disarranged and disrupted, with tax losses, lack of police control, and other disadvantages to the States. Many residents of federally owned areas are deprived of numerous privileges and services, such as voting, and certain access to courts, which are the usual incidents of residence within a State. In short, it was found by the Department of Justice that this whole important field of Federal-State relations was in a confused and chaotic state, and that more was needed than a solution of the school problem at hand—there was needed a thorough study of the entire subject of legislative jurisdiction with a view toward resolving as many as possible of the problems which lack of full knowledge and understanding of the subject had bred.

The Attorney General so recommended to the President and the Cabinet, and with their approval and support the instant study resulted. The preface to this report identifies the agencies, State and Federal, which most actively participated in the study; subsequent portions of the report set out in some detail the results of the study. The Committee desires to outline at this point, so as to furnish assistance for evaluation of its report, the manner in which the study was conducted, the manner in which the Committee's report is being presented, and some of the problems involved.

The land area of the United States is 1,903,824,640 acres. It was ascertained from available sources that of this area the Federal Government, as of a recent date, owned 405,088,566 acres, or more than 21 percent of the continental United States. It owns more than 87 percent of the land in the State of Nevada, over 50 percent of the land in several other States, and considerable land in every State of the Union. The Department of the Interior controls lands having a total area greater than that of all the six New England States and Texas combined. The Department of Agriculture controls more than three-fourths as much land as the Department of the Interior. Altogether 23 agencies of the Federal Government control property owned by the United States outside of the District of Columbia. Any survey relating to these lands is therefore bound to constitute a considerable project.

The Committee formulated a plan of study, of which portions requiring such approval were approved by the Bureau of the Budget under the Federal Reports Act of 1942 (B. B. No. 43-5501). This plan involved the assignment to a number of Federal agencies of various tasks which they were especially fitted to perform or as to which they had accumulated information; the circularization to all agencies of the Government which acquire, occupy, or operate real property of a questionnaire (questionnaire A) designed to elicit general information, concerning the numbers, areas, uses and jurisdictional statuses of their properties and the practices, problems, policies, and recommendations related to jurisdictional status which the agencies might have; and the forwarding of an additional questionnaire (questionnaire B) for each individual Federal installation in three States (Virginia, Kansas, and California, selected as containing properties which would illustrate jurisdictional problems arising throughout the United States) which called for detailed information of the same character as that requested by the general questionnaire addressed to agencies. Federal agencies also were asked to submit a synopsis of all opinions of their chief law officers concerning matters affected by legislative jurisdiction.

Pursuant to further provisions of the plan of study the attorney general of each State was requested, through the National Association of Attorneys General, to furnish to the Committee a synopsis and citation of each State constitutional provision, statute, judicial decision, and attorney general opinion, concerning the acquisition of legislative jurisdiction by the United States over lands within the State; a statement of major problems experienced by State or local authorities arising out of legislative jurisdiction; an indication of privileges or services barred by State constitution or statutes to areas under United States legislative jurisdiction or residents of such areas, and any further comment concerning the subject which any attorney general might have.

A tremendous mass of information has been accumulated by the Committee in the carrying out of the mentioned portions of the plan of study. Material submitted by the 23 Federal agencies which control federally owned land was refined by the Committee staff into memoranda which, in the case of the 18 larger agencies, were made available to each agency concerned for comment. The basic material involved, as well as the staff memoranda and agency comment thereon, was utilized by the Committee as was necessary in its study.

The results of the Committee's study are reflected in the succeeding pages of this report, in the two appendixes to the report, and in a second report (Pt. II) which is under preparation.

The instant report (Pt. I) sets out the facts adduced by the Committee and recommendations of the Committee with respect thereto. In this portion of its work the Committee has labored to avoid to the utmost extent possible any legalistic discussions. Citations to constitutional provisions, statutes, or court decisions are made only when it seems inescapably necessary to make them, and rarely is any law quoted in the body of the report. It is the hope of the Committee that this approach will make this report more useful than it otherwise might be to nonlawyer officials, Federal and State, who have occasion to deal with problems arising from ownership, possession, or control of land in the States by the Federal Government.

Appendix A to this report summarizes the basic factual information received from individual Federal agencies in connection with this study and sets out briefly the views of the agencies as to the legislative jurisdictional requirements of properties under their control. It is on this information, received in reply to questionnaires A and B, already referred to, that the Committee has largely based its determinations as to the jurisdictional requirements of Federal agencies.

Appendix B contains the texts of all constitutional provisions and major statutes of general effect, Federal and State, directly affecting

legislative jurisdiction, as such provisions and statutes were in effect on December 31, 1955, with explanatory material relating thereto. The contents of this appendix were necessarily developed for analytical purposes during the course of the study and are included with the report as a logical supplement and as of particular value to lawyers and legislators for independent analysis.

The second report of the Committee (Pt. II) will be a legal text on the subject of legislative jurisdiction. It will include consideration of salient Federal and State constitutional provisions, statutes, and court decisions, and opinions of major importance of principal Federal and State law officers, which have come to the attention of the Committee in the course of the exhaustive study it has endeavored to make of this subject.

There has been assimilated into the Committee's reports all the legal learning in the legislative jurisdiction field of the members of the Committee and of their predecessor chief law officers, as the Committee has interpreted this learning from opinions rendered by these officers. To this has been added consideration of legal opinions of other chief law officers of the Federal Government, including the Attorney General and the Comptroller General, and of attorneys general of the several States, of court decisions in some 1,000 Federal and State cases, of matter in innumerable textbooks and legal periodicals, and of all manner of factual and legal information related to legislative jurisdiction submitted by 33 agencies of the Federal Government.

The Committee notes that there has never before been conducted a study of the subject of legislative jurisdiction approaching in comprehensiveness the survey of the facts and the law which has been made. While the Committee's reports cannot reflect every detail of the study, it is hoped that they will provide a basis for resolving most of the problems arising out of legislative jurisdiction situations.

CHAPTER II

HISTORY AND DEVELOPMENT OF FEDERAL LEGISLATIVE JURISDICTION

Origin of article I, section 8, clause 17, of the Constitution.—This provision was included in the Constitution as the result of proposals made to the Constitutional Convention on May 29 and August 18, 1787, by Charles Pinckney and James Madison. The clause was born because of the vivid recollection of the members of the Convention of harrassment suffered by the Continental Congress at Philadelphia, in 1783, at the hands of a mob of soldiers and ex-soldiers whom the Pennsylvania authorities felt unable to restrain, and whose activities forced the Congress to move its meeting place to Princeton, N. J. The delegates to the Constitutional Convention, many of whom had suffered indignities at the hands of this mob as members of the Continental Congress, were impressed by this incident, and by a general requirement for protection of the affairs of the then weak Federal Government from undue influence by the stronger States, to provide for an area independent of any State, and under Federal jurisdiction, in which the Federal Government would function. Without much debate there was accepted the theory that places other than the seat of government which were held by the Federal Government for the benefit of all the States similarly should not be under the jurisdiction of any single State.

Objections made by Patrick Henry and others, based upon the dangers to personal rights and liberties which clause 17 presented, were anticipated or replied to by James Iredell of North Carolina (subsequently a United States Supreme Court Justice) and Mr. Madison. They assured that the rights of residents of federalized areas would be protected by appropriate reservations made by the States in granting their respective consents to federalization. (It may be noted that this assurance has to this time borne only little fruit.)

Early practice concerning acquisition of legislative jurisdiction.—The Federal City was established at what became Washington on land ceded to the Federal Government for this purpose by the States of Maryland and Virginia under the first portion of clause 17. However, the provision of the second portion, for transfer of like jurisdiction to the Federal Government over other areas acquired for Federal purposes, was not uniformly exercised during the first 50 years of the existence of the United States. It was exercised with respect to most, but not all, lighthouse sites, with respect to various forts and

arsenals, and with respect to a number of other individual properties. But search of appropriate records indicates that during this period it was often the practice of the Government merely to purchase the lands upon which its installations were to be placed and to enter into occupancy for the purposes intended, without also acquiring legislative jurisdiction over the lands.

Acquisition of exclusive jurisdiction made compulsory.—The Federal practice of not acquiring legislative jurisdiction in many cases was terminated in 1841, as a result of what appears to have been a legislative accident. A controversy had developed between the Federal Government and the State of New York concerning the title to (*not* the legislative jurisdiction over) a single area of land on Staten Island upon which a fortification had been maintained for many years at Federal expense. Presumably to avoid a repetition of such incidents, the Congress provided by a joint resolution of September 11, 1841 (set out in appendix B to this report as sec. 355 of the Revised Statutes of the United States), that thereafter no public money could be expended for public buildings [public works] on land purchased by the United States until the Attorney General had approved title to the land, and until the legislature of the State in which the land was situated had consented to the purchase.

In facilitating Federal construction within their boundaries most States during the ensuing years enacted statutes consenting to the acquisition of land (frequently any land) within their boundaries by the Federal Government. These general consent statutes had the effect of implementing clause 17 and thereby vesting in the United States exclusive legislative jurisdiction over all lands acquired by it in the States. The only exceptions were cases where the Federal Government plainly indicated, by legislation or by action of the executive agency concerned, that the jurisdiction proffered by the State consent statute was not accepted. Necessity for plain indication by the Federal Government of nonacceptance of jurisdiction came about because of a general theory in law that a proffered benefit is accepted unless its nonacceptance is demonstrated.

It should be noted that lands already under the proprietorship of the United States when these general consent statutes were enacted, such as the lands of the so-called public domain, were not affected by the statutes, and legislative jurisdiction with respect to them remained in the several States. Curiously, therefore, the vast areas of land which constitute the Federal public domain generally are held by the United States in a proprietorial status only. It should also be noted that the 1841 Federal statute did not apply to lands acquired by the United States upon which there was no intent to erect public build-

ings within the broad meaning of the statute. However, the Federal Government quite completely divested the States, with their consent, of legislative jurisdiction over numerous and large areas of land which it acquired during the hundred year period following 1841 without, apparently, much concern being generated in any quarter for the consequences.

State inroads upon acquisition of exclusive jurisdiction.—In the course of the tremendous expansion of Federal land acquisition programs which occurred in the 1930's the States became increasingly aware of the impact upon State and local treasuries (which will be discussed in considerable detail) of Federal acquisition of exclusive legislative jurisdiction and its further impact on normal State and local authority. With the development of this awareness there began the development of a tendency on the part of States to repeal their general consent statutes and in some cases to substitute for them what may be termed "cession statutes," specifically ceding some measure of legislative jurisdiction to the United States while frequently reserving certain authority to the State. In other instances States amended their consent statutes so that such statutes similarly reserved certain authority to the State. Included among the reservations in such consent and cession statutes are the right to levy various taxes on persons and property situated on Federal lands and on transactions occurring on such lands; criminal jurisdiction over acts and omissions occurring on such lands; certain regulatory jurisdiction over various affairs on such lands such as licensing rights, control of public utility rates, and control over fishing and hunting; and the most complete type of reservation—a retention by the State of all its jurisdiction while concurrently granting all jurisdiction, or some measure of jurisdiction, to the Federal Government.

It should be emphasized that Federal instrumentalities and their property are not in any event subject to State or local taxation or to most types of State or local controls. However, the transfer to the United States of exclusive legislative jurisdiction over an area has the effect, speaking generally, of divesting the State and any governmental entities operating under its authority of any right to tax or control private persons or property upon the area. It was the divesting of such rights that reservations in consent and cession statutes were designed to combat.

Statutory enactments of various States have also fixed conditions concerning procedural aspects of Federal acceptance of legislative jurisdiction. For example, some States require publication of intent to accept and recordation with county clerks of metes and bounds of the property, or have other similar requirements. In the case of one

State these procedural requirements have been deemed by some Federal agencies to be so onerous, and the reservations of jurisdiction made by the State to be so broad, that the agencies have not felt justified in meeting the procedural requirements in view of the small amount of jurisdiction which is thereby acquired.

Retrocessions by the Federal Government.—The States could not by unilateral action retrieve from the Federal Government authority which they had surrendered over areas as to which they had already ceded exclusive legislative jurisdiction to the Government, but during the mentioned period when States were altering their consent statutes the Federal Government relinquished to the States the authority to tax sales of motor vehicle fuels, to impose sales and use taxes, and to levy income taxes. These relinquishments, or retrocessions, were applicable to areas as to which jurisdiction previously had been acquired as well as to future acquisitions. The term “retrocede” is used generally here and throughout this report to include waivers of immunity as well as retrocessions of jurisdiction. The statutes involved are set out in appendix B in the codified form in which they appear in title 4 of the United States Code.

Exclusive jurisdiction requirement terminated.—There was also enacted, on February 1, 1940, an amendment to section 355 of the Revised Statutes of the United States which eliminated the requirement for State consent to any Federal acquisition of land as a condition precedent to expenditure of Federal funds for construction on such land. The amendment substituted for the previous requirement provided that (1) the obtaining of exclusive jurisdiction in the United States over lands which it acquired was not to be required, (2) the head of a Government agency could file with the governor or other appropriate officer of the State involved a notice of the acceptance of such extent of jurisdiction as he deemed desirable as to any land under his custody, and (3) until such a notice was filed it should be conclusively presumed that no jurisdiction had been accepted by the United States. This amendment ended the 100-year period during which nearly all the land acquired by the United States came under the exclusive legislative jurisdiction of the Federal Government.

Subsequent developments.—Federal abandonment, through the revision of Revised Statute 355, of the nearly absolute requirement for State consent to Federal land acquisition had two direct effects: (1) the State tendency to amendment of consent and cession laws so as to provide various reservations was accelerated, and (2) Federal administrators, particularly of newer agencies which did not have long-established habits of acquiring exclusive legislative jurisdiction, tended not to acquire any legislative jurisdiction for their lands. The first

tendency has developed to the point that, it may be seen from appendix B to this report, as of a recent date only 25 States, many of these having relatively little Federal property within their boundaries, still proffered exclusive legislative jurisdiction to the Federal Government by a general consent or cession statute. The other tendency has been sufficiently manifested that, it will be noted from more specific information offered later in this report, a very large proportion of Federal properties is now held with less than exclusive jurisdiction in the United States.

The tendencies described have not had any substantial effect on the bulk of properties as to which jurisdiction was acquired by the United States prior to 1940. Property acquired by the Federal Government with a vesting of legislative jurisdiction continues to this time in the same general jurisdictional status as originally attached. An exception occurs in those cases in which there is a limitation on the exercise of legislative jurisdiction by the United States specifically or by implication set out in the State statute under which the Federal Government procured such jurisdiction (such as a limitation that the proffered jurisdiction shall continue in the United States only so long as the United States continues to own a property, or so long as the property is used for a specified purpose). Once legislative jurisdiction has vested in the United States it cannot be revested in the State, other than by operation of a limitation, except by or under an act of Congress.

The Congress has acted, mainly, only to authorize imposition of the specific State taxes already mentioned, to permit States to apply and enforce their unemployment compensation and workmen's compensation laws in Federal areas, and to retrocede to the States jurisdiction over a mere handful of properties (in the last category the usual case involves only a retrocession of concurrent criminal jurisdiction with respect to a public highway traversing a Government reservation). The Congress has also authorized the Attorney General and the Administrator of Veterans' Affairs, respectively, to retrocede jurisdiction in certain limited instances, but this authority appears to have been rarely used; and the Congress has extended to the States jurisdiction over criminal offenses occurring on immigrant stations. Whether the Congress has authorized imposition of State and local taxes on private interests in all military housing constructed under the so-called Wherry Act, some of which is located on areas as to which the United States has received legislative jurisdiction, is a question now before the Supreme Court of the United States. All the statutes involved are, as has already been indicated, set out in appendix B to this report.

CHAPTER III

DEFINITIONS—CATEGORIES OF LEGISLATIVE JURISDICTION

Exclusive legislative jurisdiction.—The term “exclusive legislative jurisdiction” as used in this report refers to the power “to exercise exclusive legislation” granted to the Congress by article I, section 8, clause 17, of the Constitution, and to the like power which may be acquired by the United States through cession by a State, or by a reservation made by the United States in connection with the admission of a State into the Union. In the exercise of such power as to an area in a State the Federal Government theoretically displaces the State in which the area is contained of all its sovereign authority, executive and judicial as well as legislative. By State and Federal statutes and judicial decisions, however, it is accepted that a reservation by a State of only the right to serve criminal and civil process in an area, resulting from activities which occurred off the area, is not inconsistent with exclusive legislative jurisdiction.

The existence of Federal retrocession statutes has had the effect of eliminating any possibility of the possession by the Federal Government at this time of full exclusive legislative jurisdiction, since all States may exercise jurisdiction in consonance with such statutes notwithstanding that they cede exclusive legislative jurisdiction. However, in view of a widespread use of the term “exclusive legislative jurisdiction” in this manner, the Committee for purposes of the instant study has applied the term to the situation wherein the Federal Government possesses, by whichever method acquired, all the authority of the State, and in which the State concerned has not reserved to itself the right to exercise any authority concurrently with the United States except the right to serve civil or criminal process in the area.

Because reservations made by the States in granting jurisdiction to the Federal Government have varied so greatly, and in order to describe situations in which the Government has received or accepted no legislative jurisdiction over property which it owns, the Committee has found it desirable to adopt three other terms which are in general use in reference to jurisdictional status, and in an effort at precision has defined these terms. While these definitions are based on judicial decisions and similar authorities, and on usage in Government agencies, it is desired to emphasize that they are made here only for the purposes

of this study, and that they are not purported as absolute criteria for interpreting legislation or judicial decisions, or for other purposes. By way of example the Assimilative Crimes Act, referred to at several points in this report, which by its terms is applicable to areas under exclusive or concurrent jurisdiction, in the usual case is applicable in areas here defined as under partial jurisdiction.

Concurrent legislative jurisdiction.—This term is applied in those instances wherein in granting to the United States authority which would otherwise amount to exclusive legislative jurisdiction over an area the State concerned has reserved to itself the right to exercise, concurrently with the United States, all of the same authority.

Partial legislative jurisdiction.—This term is applied in those instances wherein the Federal Government has been granted for exercise by it over an area in a State certain of the State's authority, but where the State concerned has reserved to itself the right to exercise, by itself or concurrently with the United States, other authority constituting more than merely the right to serve civil or criminal process in the area (e. g., the right to tax private property).

Proprietorial interest only.—This term is applied to those instances wherein the Federal Government has acquired some right or title to an area in a State but has not obtained any measure of the State's authority over the area. In applying this definition recognition should be given to the fact that the United States, by virtue of its functions and authority under various provisions of the Constitution, has many powers and immunities not possessed by ordinary landholders with respect to areas in which it acquires an interest, and of the further fact that all its properties and functions are held or performed in a governmental rather than a proprietary capacity.

CHAPTER IV

BASIC CHARACTERISTICS OF THE SEVERAL CATEGORIES OF LEGISLATIVE JURISDICTION

Effects of varying statuses.—To each of the four categories of legislative jurisdictional situations (in which the United States has (a) exclusive, (b) concurrent, (c) or partial legislative jurisdiction, or (d) a proprietorial interest only) differing legal characteristics attach. These differences result in various advantages, various disadvantages, and many problems arising for the Federal Government, for State and local governments, and for individuals, out of each of the several types of legislative jurisdiction. Specific advantages, disadvantages, and problems will be discussed in succeeding portions of this report. Knowledge of the basic incidents of the several categories of legislative jurisdiction is essential, however, to the identification and appraisal of these matters.

Exclusive legislative jurisdiction.—When the Federal Government receives exclusive legislative jurisdiction over an area, the jurisdiction of the State and of any local governments (which of course derive their authority from the State) is ousted, subject only to the right to serve process and to the several concessions made by the Federal Government which have already been mentioned. Thereafter only Congress has authority to legislate for the area. However, while Congress has legislated for the District of Columbia, it has not legislated for other areas under its exclusive legislative jurisdiction except in a few particulars which will be indicated hereinafter.

The courts have filled the vacuum which might otherwise have occurred by adopting for such areas a rule of international law whereby as to ceded territory the laws of the displaced sovereign which are in effect at the time of cession and which are not in conflict with laws or policies of the new sovereign remain in effect as laws of such new sovereign until specifically displaced. Under the international law rule it is anticipated that the new sovereign will act to keep the laws of the ceded territory up to date, for any enactments or amendments by the old sovereign have no effect in territory which has been ceded. In view of the fact that Congress has not acted except as will be stated to amend or otherwise maintain the laws in areas other than the District of Columbia which are under its exclusive legislative jurisdiction, the laws generally in effect in each such area

are the former State laws which were in effect there as of the time, be it 20 or 120 years ago, when jurisdiction over the area passed to the United States. It can be seen that since the laws of every State have been developing and changing throughout the years, the laws applicable in Federal exclusive jurisdiction areas in the same State vary according to the time at which jurisdiction thereover passed to the United States. It can also be seen that since the laws applicable in these areas have not developed or changed during the period of Federal exercise of jurisdiction in the areas, such laws are in most cases, obsolete, and in many cases archaic. This condition adversely affects nearly all who may be involved, with the effects most likely to be felt by persons residing or doing business on the area and those who deal with such persons.

In certain instances, even within a single area under exclusive Federal jurisdiction, an engineering survey may be necessary to determine exactly where an act giving rise to a legal effect occurred, in order to ascertain which of several successive State laws, all archaic, is applicable. This necessity develops from the fact that ordinarily consent and cession statutes have not transferred jurisdiction to the United States until it has acquired title, a process that, at least with respect to larger reservations, has lasted several years and often has resulted in the applicability under the international law rule of different State laws to different tracts of land within the same reservation. This was particularly the case before the enactment of legislation permitting the United States to acquire title upon the filing of a condemnation suit, rather than at the termination of such often protracted litigation.

In other cases, amendments to State consent and cession statutes during the process of land acquisition have resulted in the United States' exercising different quanta of legislative jurisdiction in the same Federal reservation. These areas of different legislative jurisdiction are often so random and haphazard that only litigation, again dependent upon an engineering survey, can determine even what court has jurisdiction, without regard to questions of substantive law.

In addition, although a body of substantive law is carried over for areas over which the Federal Government assumes exclusive legislative jurisdiction, the agencies and administrative procedures which often are necessary to the functioning of the substantive law are not made available by the Federal Government. For example, while a marriage law is carried over, there is no licensing and recordkeeping office; and while there are public health and safety laws, there rarely are available the necessary Federal facilities for administering and enforcing these laws.

In order to avoid the probably insurmountable task of enacting and maintaining a code of criminal laws appropriate for all the areas under its legislative jurisdiction, the Congress has passed the so-called Assimilative Crimes Act (18 U. S. C. 13), set out in appendix B. In this statute the Congress has provided, in legal effect, that all acts or omissions occurring on an area under its legislative jurisdiction which would constitute a crime if the area continued under State jurisdiction are to constitute a similar crime, similarly punishable, under Federal law. The Assimilative Crimes Act does not apply to make Federal crimes based on State statutes which are contrary to Federal policy. Unlike the court-adopted rule of international law, the Assimilative Crimes Act provides that the State laws applicable shall be those in force "at the time of such act or omission." The criminal laws in areas over which the Congress has legislative jurisdiction as to crimes are thus as up to date as those of the surrounding State.

Law enforcement must, of course, be supplied by the Federal Government since, the State law being inapplicable within the enclave, local policemen and other law-enforcement agencies do not have authority nor do the State courts have criminal jurisdiction over offenses committed within the reservation. However, Federal law enforcement facilities are distant from many Federal areas, and the machinery of the Federal court system is not designed to handle efficiently or with reasonable convenience to the public or to the Federal Government the administration of what are essentially local ordinances.

Federal areas of exclusive jurisdiction are considered in many respects to comprise legal entities separate from the surrounding State, and, indeed, until a recent decision of the United States Supreme Court dispelled the notion, were viewed as completely sovereign areas (under the sovereignty of the United States), geographically surrounded by another sovereign. As a result there is no obligation on the State or on any local political subdivision to provide for such areas normal governmental services such as disposal of sewage, removal of trash and garbage, snow clearance, road maintenance, fire protection and the like.

Persons and property on exclusive jurisdiction areas are not subject to State or local taxation except as Congress has permitted (income, sales, use, motor vehicle fuel, and unemployment and workmen's compensation taxes only have been permitted). It should be noted that the Federal Government and its instrumentalities are not subject to direct taxation by States or local taxing authorities regardless of the legislative jurisdiction status of the area on which they may be operating. However, the immunity from State authority of exclusive jurisdiction areas has the additional effect of barring State

or local taxation of the property on such areas, such as personal property of residents of such areas, and property of lessees of standby Government industrial facilities on such areas, thereby resulting in considerable diminution of State and local tax revenues.

Likewise, the States cannot exercise regulatory powers over areas under Federal exclusive legislative jurisdiction. While this power of the States is often curtailed under the supremacy clause of the United States Constitution regardless of the jurisdictional status of any lands which might be involved, two recent cases have brought into focus the effect which differing jurisdictional positions will have upon otherwise substantial similar factual circumstances.

The companion cases of *Penn Dairies v. Milk Control Comm'n* (318 U. S. 261), and *Pacific Coast Dairy v. Dept.* (318 U. S. 285 (1943)), both concerned the legality of minimum pricing under State milk control acts of milk sold to the Federal Government. In one instance the milk was delivered by a dealer to the United States on land over which the United States had no legislative jurisdiction; in the other the land was under its exclusive jurisdiction. In the first case (no Federal jurisdiction) it was held that the denial of a license renewal to the dealer for selling milk to the Government at less than the prescribed minimum price was valid, the court stating, " * * the mere fact that nondiscriminatory taxation or regulation of the contractor imposes an increased economic burden on the Government is no longer regarded as bringing the contractor within any implied immunity of the Government from State taxation or regulation." The second case (exclusive Federal jurisdiction) denied the right of the State to revoke a license to distribute milk, holding that " * * the true purpose was to punish California's own citizens for doing in exclusively Federal territory what by the law of the United States was there lawful, under the guise of penalizing preparatory conduct occurring in the State, to punish the appellant for a transaction carried on under sovereignty conferred by article I, section 8, clause 17 of the Constitution, and under authority superior to that of California by virtue of the supremacy clause."

The dairy cases point out the effect which jurisdictional status may have where there is an attempted indirect regulation of the Federal Government by a State. It remains clear, however, that direct State regulation of the Federal Government or its instrumentalities is not permissible under the supremacy clause regardless of the nature of Federal jurisdiction. It is also clear, and was pointed out by the Court in the dairy cases, that the Congress may waive any immunities accruing to the United States under an exclusive jurisdiction status and, on the other hand, may effectively prohibit any interference, however

indirect, with any activities of the United States or its instrumentalities. Immunity from State regulation of activities in exclusive legislative jurisdiction areas extends, of course, beyond minimum pricing of milk. Control of the sale and consumption of alcoholic beverages, and licensing of persons engaged in occupations affecting public health and safety, are two matters frequently involved, for example.

Probably the incident of exclusive legislative jurisdiction which has most numerous, and most serious, effects is that residents of exclusive jurisdiction areas have been held not to be residents of the State or local subdivision thereof in which such area is physically situated. As a result such persons may be denied many of the important rights and privileges which are contingent upon State residence. They are not entitled to vote, to hold public office, or to serve on juries, and their children are not entitled to receive an education in the free public school systems of the State. The right of access to State courts in matters where jurisdiction is based upon residence within the State may be denied them, and problems consequently arise in the fields of divorce, adoption, administration of estates, and juvenile offenses. There is no obligation on the State to admit residents to State-sponsored or administered hospitals or sanatoriums, nor to provide such residents with other governmental services such as visiting nurses, public libraries, welfare services and the like. And generally there are no equivalent services provided from Federal sources for persons residing on areas of exclusive Federal jurisdiction. It has been suggested that where States are exercising the right to tax residents of exclusive Federal jurisdiction areas such residents are entitled to rights and privileges as residents of the State, on the theory that the State cannot acknowledge them on the one hand as State residents for taxation purposes and on the other deny them qualification as residents for other purposes. The Committee recognizes considerable logic in this reasoning, but since the legal theory which is involved appears not to have been sufficiently tested in the courts the Committee is not relying on it for the purposes of this study.

Other than as has been indicated, the United States has not enacted laws of any major import for exclusive jurisdiction areas except to define and provide punishment for a number of major crimes, to provide for liability for the causing of death or injury by wrongful act, and to provide for workmen's compensation.

Concurrent legislative jurisdiction.—Under concurrent jurisdiction the two sovereigns, the Federal Government and a State, occupy an area, each having all the rights accorded a sovereign with the broad qualification that such rights run concurrently with those of the other sovereign. Exact equivalence of rights is not present, however, for at

all times, under this jurisdictional status as under all others, the Federal Government has the superior right under the supremacy clause of the Constitution to carry out Federal functions unimpeded by State interference.

State law, including any amendments which may be made by the State from time to time, is applicable in a concurrent jurisdiction area. Thus there is absent the tendency which exists in exclusive jurisdiction areas for general laws to become obsolete. Federal law appertaining generally to areas under the legislative jurisdiction of the United States also applies. State or local agencies and administrative processes needed to carry out various State laws, such as laws relating to notaries, various licensing boards, etc., can be made available by the State or local government in accordance with normal procedures. State criminal laws are, of course, applicable in the area for enforcement by the State. The same laws apply for enforcement by the Federal Government under the Assimilative Crimes Act, which by its terms is applicable to areas under the concurrent as well as the exclusive legislative jurisdiction of the United States, and other Federal criminal laws also apply. Most crimes fall under both Federal and State sanction, and either the Federal or State Government, or both, may take jurisdiction over a given offense.

Unlike the situation in exclusive jurisdiction areas, the State and the local governmental subdivisions have the same obligation to furnish their normal governmental services, such as sewage disposal, to and in the area, as they have elsewhere in the State. They also have the compensating right of imposing taxes on persons, property, and activities in the area (but not, of course, directly on the Federal Government or its instrumentalities). The regulatory powers of the States may be exercised in the area but, again, not directly on the Federal Government or its instrumentalities, and not so as to interfere with Government activities. Most significant in many cases, residency in a concurrent jurisdiction area, as distinguished from residency in an exclusive jurisdiction area, in every sense and to the same extent qualifies a person as a resident of a State as residency in any other part of the State, so that none of the problems relating to personal rights and privileges that may arise in an exclusive jurisdiction area are raised in a concurrent jurisdiction area.

Partial legislative jurisdiction.—This jurisdictional status occurs where the State grants to the Federal Government the authority to exercise certain State powers within an area but reserves for exercise only by itself, or by itself as well as the Federal Government, other powers constituting more than merely the right to serve civil or criminal process.

As to those State powers granted by the State to the Federal Government without reservation, administration of the Federal area is the same as if it were under exclusively Federal legislative jurisdiction, and the powers which were relinquished by the State may be exercised only by the Federal Government. As to the powers reserved by the State for exercise only by itself, administration of the area is as though the United States had no jurisdiction whatever (i. e., proprietorial interest only); the reserved powers may not be exercised by the Federal Government, but continue to be exercised by the State. As to those powers granted by the State to the Federal Government with a reservation by the State of authority to exercise the same powers concurrently, administration of the area is as though it were under the concurrent legislative jurisdiction status described above; only the powers specified for concurrent exercise can, of course, be exercised by both the Federal and State Governments.

The reservations made by States which result in a partial legislative jurisdiction status relate usually to such matters as taxation of individuals on the area and their property and activities, but can and do relate to numerous combinations of the matters affected by legislative jurisdiction. Depending on which powers have been granted to the United States for exercise exclusively by it, various State laws may or may not be applicable. In any event (assuming no complete reservation to itself by the State of the right to make or enforce criminal laws) the Assimilative Crimes Act applies, allowing law enforcement by Federal officials. Depending also on which powers have been granted by the State, the relations of the residents of the area with the State are disturbed to a greater or lesser degree in the usual case. The exact incidents of this type of jurisdiction need to be determined in each case by a careful study of the applicable State cession or consent statute.

Proprietorial interest only.—Where the Federal Government has no legislative jurisdiction over its land, it holds such land in a proprietorial interest only and has the same rights in the land as does any other landowner. In addition, however, there exists a right of the Federal Government to perform the functions delegated to it by the Constitution without interference from any source. It may resist, by exercise of its legislative or executive authority or through proceedings in the courts, according to the circumstances, any attempted interference by a State instrumentality as well as by individuals. Also, the Congress has special authority, vested in it by article IV, section 3, clause 2, of the Constitution, to enact laws for the protection of property belonging to the United States.

Subject to these conditions, in the case where the United States acquires only a proprietorial interest the State retains all the jurisdiction over the area which it would have if a private individual rather than the United States owned the land. However, for the reasons indicated the State may not impose its regulatory power directly upon the Federal Government nor may it tax the Federal land. Neither may the State regulate the actions of the residents of the land in any way which might directly interfere with the performance of a Federal function. State action may in some instances impose an indirect burden upon the Federal Government when it concerns areas held in a proprietorial interest only, as in the *Penn Dairies* case, supra. Any persons residing on the land remain residents of the State with all the rights, privileges, and obligations which attach to such residence.

CHAPTER V

LAWS AND PROBLEMS OF STATES RELATED TO LEGISLATIVE JURISDICTION

Use of material from State sources.—The great bulk of the material received by the Committee from State attorneys general and other State sources consists of excerpts appertaining to legislative jurisdiction from the constitutions and statutes of the States. This particular material, conformed to reflect the status of the law as of December 31, 1955, will be found in appendix B to this report arranged alphabetically by States. The judicial decisions and legal opinions which the attorneys general directed to the attention of the Committee, which were invaluable in forming a part of the basis for the views of the Committee set out in this report, in the main will be specifically referred to only in part II of the report, which constitutes a text of the law on the subject of legislative jurisdiction. Certain aspects of the material relating to States appear appropriate for discussion at this point, however.

Provisions of State constitutions and statutes relating to jurisdiction.—It is noted by the Committee that the constitutions on Montana, North Dakota, and South Dakota have ceded to the United States exclusive legislative jurisdiction over certain specified areas, so that amendments to the constitutions might be required in effecting changes of the jurisdictional status of the areas involved. The constitution of the State of Washington gives the consent of the State to the exercise of exclusive legislation by the United States over tracts of land held or reserved for the purposes of article I, section 8, clause 17, of the United States Constitution, so that no limitation apparently may be placed by the State legislature on the exercise by the United States of exclusive jurisdiction over such areas within the State. While three other States (California, Georgia, and Texas) also have constitutional provisions which bear some relation to legislative jurisdiction, such relation is indirect and relatively insignificant.

The Committee's study indicates that as recently as 25 years ago all States had in effect consent or cession statutes of more or less general application which permitted the vesting in the United States of exclusive legislative jurisdiction, or substantially exclusive legislative jurisdiction, over properties acquired by it within the State. As of

December 31, 1955, only 25 States (identified in the table presented at the end of this chapter) continued to have such statutes. In addition, exclusive (or lesser) jurisdiction may be ceded in Virginia by action of the Governor and attorney general, and in Florida and Alabama by their respective Governors. Three States, Illinois, Kentucky, and Tennessee, have wholly repealed their consent and cession statutes. Pennsylvania consents to the Federal acquisition of property (and therefore exclusive legislative jurisdiction over such property) necessary for the erection of aids to navigation, but not for other purposes of the Government. The other States have consent and cession statutes containing various limitations and reservations. All States which have such statutes reserve authority for the service of process upon areas the jurisdiction over which is transferred based on events which occurred off the areas. The table which appears at the end of this chapter, together with its notes, gives certain information concerning the provisions made in State constitutions and statutes with respect to legislative jurisdiction. For more detailed information it is suggested that reference be had to appendix B to this report.

Expressions by State attorneys general respecting Federal exercise of jurisdiction.—The attitude of the attorney general of Kentucky with respect to the exercise by the Federal Government of exclusive legislative jurisdiction over areas within his State, which was particularly well expressed, perhaps reflects views of other State officials and reasons why the States have tended in recent years to limit the availability to the United States of legislative jurisdiction:

In commenting generally, we feel that the existence of any Federal enclaves in this State has probably been conducive to embarrassment to both the Federal and the State authorities. We have noted in our dealings with the Atomic Energy Commission at Paducah, whose installation there is partially within a Federal enclave and partially without, that this most secret of all Federal activities can be carried on most successfully within the State jurisdiction, and the Atomic Energy Commission officials with whom we have dealt have so expressed themselves. The transfer of jurisdiction to the Federal Government is an anachronism which has survived from the early period of our history when Federal powers were so strictly limited that care had to be taken to protect the Federal Government from encroachment by officials of the all-powerful States. Needless to say, this condition is now exactly reversed. If there is any activity which the Federal Government cannot undertake on its own property without the cession of jurisdiction, we are unaware of it.

It is our hope that your Committee will be able to recommend a retrocession to Kentucky of all of the Federal enclaves in this State, so that our local governments, our law courts, our administrative agencies and our Federal officials themselves may cease to be vexed with this annoying and useless anachronism.

Another view, which is, nevertheless, critical of practices of Federal agencies with respect to the acquisition of legislative jurisdiction, is also well stated by the attorney general of New York:

It would seem that it would result in a change for the better if acquisition by the United States of jurisdiction over areas in this State were limited to those cases in which such acquisition is absolutely necessary to the accomplishment of the Federal purposes for which the lands have been or are acquired and to which they are devoted, and that the jurisdiction heretofore acquired by the United States should be returned to the State in all cases where its retention by the United States is not absolutely required.

It is difficult to see, for instance, how the advantages, if any, outweigh the disadvantages of acquisition by the United States of exclusive jurisdiction over sites within the State acquired for the purposes of post offices, office buildings, courthouses, lighthouses, veterans' hospitals, and the like. In the absence of exclusive Federal jurisdiction, such places and the inhabitants thereof would be subject to and would receive the protection and benefits of State and local laws except insofar as the operation of such laws might adversely affect the United States in the use of the property for the purposes for which it is maintained (*Surplus Trading Co. v. Cook*, 281 U. S. 647, 650).

A good beginning was made by the act of Congress of February 1, 1940 (54 Stat. 19; 40 U. S. C. A. 255), sometimes erroneously referred to as the act of October 9, 1940 (54 Stat. 1083). Adoption of that act followed the decisions of the Supreme Court in *James v. Dravo Contracting Co.*, 302 U. S. 134; *Mason Co. v. Tax Commission*, 302 U. S. 186; and *Collins v. Yosemite Park Co.*, 304 U. S. 518 (See *Adams v. U. S.*, 319 U. S. 312).

One of the underlying reasons for that act was a realization by Congress of the fact, adverted to by the Supreme Court at page 148 of its opinion in *James v. Dravo Contracting Co.*, that "a transfer of legislative jurisdiction carries with it not only benefits but obligations, and it may be highly desirable, in the interests of both the National Government and of the State, that the latter should not be entirely ousted of its jurisdiction." But the benefits of that act will not be achieved in the measure hoped for unless administrative departments of the Federal Government exercise a discriminating, self-imposed restraint in applying for and accepting cessions to the United States of exclusive jurisdiction over lands within the State.

Not all attorneys general were critical of the exercise of legislative jurisdiction, however. The attorneys general of Maine and Florida, for example, indicated that their problems arising out of legislative jurisdiction were minor. Nevertheless, in each instance the existence of such problems was acknowledged.

Difficulty of determining jurisdictional status of Federal areas.— Perhaps the problems most often referred to by State attorneys general arose out of the difficulty of determining the jurisdictional status of federally owned areas, where the task was to ascertain whether State laws, or which State laws, applied in an area. In Kansas and in Maryland, for example, there presently exist serious situations with respect to the indefinite jurisdictional status of important highways. The basic question involved in the Kansas situa-

tion appears to be whether the Federal Government in 1875 received legislative jurisdiction over a federally owned highway adjoining Fort Leavenworth on which many problems of law enforcement now occur. The Maryland situation arises out of the fact that a large portion of the Baltimore-Washington Expressway, contained almost wholly within the territorial boundaries of the State of Maryland, passes through areas acquired at separate times, for separate purposes, and with differing legislative jurisdictional statuses, by the Federal Government. Since the United States has exclusive legislative jurisdiction over various of these areas the boundaries of which cannot easily be established there exists a Balkanized situation on the highway as a result of which Maryland law-enforcement authorities are finding it virtually impossible, particularly with respect to traffic violations, to establish jurisdiction over crimes committed on segments of the highway which actually are within their jurisdictional authority.

On the subject of what gives rise to the principal difficulties had by States with respect to areas under Federal jurisdiction the attorney general of Maryland states:

I would generally say that the most important item to be considered at the outset, insofar as the State of Maryland is concerned, is an exact inventory of each and every item of federally owned real estate, together with an ascertainment of the existing jurisdictional picture as to each such area. Once we have determined this, we will be in a far better position to assess what is necessary in the way of agreements between the Federal Government and the State and in clarifying legislation.

Taxing problems.—These are another apparently serious concern arising for State attorneys general and other State officials out of legislative jurisdictional situations. In the usual case the problem does not directly involve the United States or an instrumentality thereof, the immunities of which from State and local taxation are well known to responsible State officials. Rather, the problems arise from legal discriminations still existing with respect to areas under Federal exclusive legislative jurisdiction whereby residents of such areas, persons doing business in the areas, and privately owned property contained in the areas, must receive from State and local taxing authorities treatment different from that accorded to very similarly situated persons and property on areas as to which the United States does not have exclusive legislative jurisdiction. The situation is obviously complicated by the fact that the imposition of certain taxes on private persons, activities, and properties in Federal exclusive legislative jurisdiction areas have been authorized by the Congress, while others have not.

A frequently mentioned problem in the tax field was that arising with respect to so-called Wherry housing, which is housing constructed and operated by private persons for military personnel. This housing is usually located on land leased from the Federal Government which is part of the site of a military installation, and which often is under the exclusive legislative jurisdiction of the United States. While the Congress has in certain specific terms authorized State and local taxation of private leasehold interests in such housing projects, many States and local taxing districts do not have tax laws applicable to leasehold interests, as distinguished from fee interests, and hence are having difficulty in collecting revenue from that interest which the Congress has made taxable. However, this particular problem does not arise out of legislative jurisdictional status. A related problem, as to whether the Congress authorized the imposition of taxes on such leasehold interests where the housing is located on land under the exclusive jurisdiction of the United States is presently before the Supreme Court of the United States.

Other problems.—Numerous problems of criminal jurisdiction, licensing and control of alcoholic beverages, and licensing and control of persons engaged in occupations affecting public health and safety were mentioned by attorneys general as arising in areas under the legislative jurisdiction of the United States.

The attorneys general also made frequent references to problems existing for residents of exclusive jurisdiction areas and their children, particularly with respect to voting, divorce, old age assistance, admission to State institutions, and loss of rights to attendance at public schools.

Summary.—The information received by the Committee from State sources indicates that numerous problems for States and local governmental entities, and for persons residing in Federal areas within the States result from Federal legislative jurisdiction, and particularly exclusive legislative jurisdiction, over such areas, with a considerable disruption of the normal relations of State and other governmental entities with persons within their geographical boundaries.

Analysis of State constitutional provisions and statutes of general effect concerning the acquisition of legislative jurisdiction by the United States

States	Constitutional provision	Cession of jurisdiction			Written instrument required by State	State reservations, restrictions, conditions, and other requirements								Duration of jurisdiction as specifically provided for by statute	
		Exclusive	Concurrent	Partial		Jurisdiction retained over persons			Full power of taxation	Limited general power of taxation	Personal property tax	Income tax	Miscellaneous tax provisions		Others
						Civil	Criminal	Description and plat-filing							
Alabama.....	No.....	Yes.....	Governor may cede such jurisdiction he deems necessary. ¹		Yes.....	No.....	No.....	No.....	Yes.....	Yes.....	Yes.....	Yes.....		So long as owned and used for the purposes of cession.	
Arizona.....	No.....	Yes.....			No.....	No.....	No.....	No.....	No.....	No.....	No.....	No.....		Public domain—so long as reserved for military; Acquired—so long as owned.	
Arkansas.....	No.....	Yes.....	Yes. ²		No.....	No.....	No.....	No.....	No.....	No.....	No.....	No.....		No provision.	
California.....	Yes. ³	Yes. ⁴			No. ⁵	Yes. ⁶	No.....	No.....	Yes.....	Yes.....	Yes.....	Yes.....		So long as owned and compliance with Sec. 126 of Government Code (California).	
Colorado.....	No.....	Yes.....	Yes.....		No.....	No.....	No.....	No.....	No.....	No.....	No.....	No.....		So long as owned. For aid of navigation lands. ⁷	
Connecticut.....	No.....	Yes.....	Yes.....		No.....	No.....	No.....	No.....	No.....	No.....	No.....	No.....		No provision. ¹⁰	
Delaware.....	No.....	Yes. ⁸	Governor may cede exclusive jurisdiction on application.		Yes. ⁹	Yes. ¹¹	No.....	No.....	No.....	No.....	No.....	No.....		So long as owned and used for the purposes set forth in statute.	
Florida.....	No.....	Yes.....	Yes.....		No.....	No.....	No.....	No.....	No.....	No.....	No.....	No.....	Yes. ¹²	So long as owned.	
Georgia.....	Yes. ¹³	Yes.....	Yes.....		No.....	Yes. ¹⁴	Yes. ¹⁴	No.....	No.....	No.....	No.....	No.....		No provision.	
Idaho.....	No.....	Yes.....	Yes.....		No.....	No.....	No.....	No.....	No.....	No.....	No.....	No.....		So long as owned and used for the purposes set forth in statute.	
Illinois.....	No.....	Yes.....	General cession and consent statutes repealed by 2 acts of July 10, 1933 (Jones Illinois Statutes Ann., Vol. 28, 1933, cumulative supplement, p. 20. ¹⁵		No.....	No.....	No.....	No.....	No.....	No.....	No.....	No.....	Yes. ¹⁶	No provision.	
Indiana.....	No.....	No. ¹⁷			No.....	No.....	No.....	No.....	No.....	No.....	No.....	Yes. ¹⁸		Do.	
Iowa.....	No.....	Yes.....	Yes. ¹⁹		No.....	Yes. ¹⁹	Yes. ¹⁹	No.....	No.....	No.....	No.....	No.....	Yes. ²⁰	Do.	
Kansas.....	No.....	Yes.....	Yes.....		No.....	Yes. ²¹	No.....	No.....	No.....	No.....	No.....	No.....	Yes. ²¹	So long as owned. Until retroceded to private owners.	
Kentucky.....	No.....	Yes.....	General assembly may cede jurisdiction if deems proper. ²²		No.....	No.....	No.....	No.....	No.....	No.....	No.....	No.....		So long as owned or leased.	
Louisiana.....	No.....	Yes.....	Yes. ²³		No.....	No.....	No.....	No.....	No.....	No.....	No.....	No.....		So long as owned.	
Maine.....	No.....	Yes.....	Yes.....		No.....	No.....	No.....	No.....	No.....	No.....	No.....	No.....		So long as owned.	

Analysis of State constitutional provisions and statutes of general effect concerning the acquisition of legislative jurisdiction by the United States—Continued

States	Constitutional provision	Consent to purchase	Cession of jurisdiction—			Written instrument required by State	State reservations, restrictions, conditions, and other requirements						Others	Duration of jurisdiction as specifically provided for by statute			
			Exclusive	Concurrent	Partial		Jurisdiction retained over persons			Description and plat filing	Full power of taxation	Limited general power of taxation			Personal property tax	Income tax	Miscellaneous tax provisions
							Civil	Criminal									
Virginia.....	No.....	Conditional consent ¹	Governor and Attorney General may code additional jurisdiction.	Yes ¹	Yes ¹	Yes ¹	Yes ¹	Yes ¹	No ¹	No.....	Yes.....	No.....	Yes ¹	Yes ¹	So long as owned and used for purposes of cession. (Reverts if not used for 5 years.)		
Washington.....	Yes ²	Yes	Yes	.....	No.....	Yes ²	Yes ²	Yes ²	Yes	Yes	Yes	Yes	Yes	Yes	Do.	Do.
West Virginia.....	No.....	Yes	Yes	.....	No.....	Yes	Yes	No	No	Yes	Yes	Yes	No	Yes	Do.	So long as owned.
Wisconsin.....	No.....	Yes	Yes	Governor executes certificate.	Yes	No	No	No	No	Yes	No	No	No	No	No	Do.	
Wyoming.....	No.....	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No	Do.	

¹ Alabama: Whether the State retains civil or criminal jurisdiction over persons in the territory acquired by United States depends on the type of jurisdiction ceded to United States by Governor. The State reserves the right to exercise over Government lands all jurisdiction which may be released or ceded by the United States to the State.

² Arizona: Includes public domain land reserved or used for military purposes.

³ Arkansas: Concurrent jurisdiction over wildlife in national forests ceded to the United States.

⁴ California: State constitution requires the United States to conform to State laws with respect to water on lands acquired by the United States.

⁵ California: County board of supervisors may acquire and convey lands to United States for any military purposes. Legislative body of a local agency may acquire and convey land which it owns to United States for Federal purposes. Governor, on application by a duly authorized agent, may convey to the United States any tract of land, not exceeding 10 acres, belonging to the State and covered by navigable waters for aids to navigation.

⁶ California: Certified copies of the State Lands Commission's orders or resolutions to be filed in office of the California secretary of state and recorded in the county where the land is situated.

⁷ California: Reserves all civil and political rights, including the right of suffrage, to all persons residing in ceded territory.

⁸ Connecticut: Lands in aid of navigation conveyed by the State to the United States revert to the State if not built on within 5 years or United States abandons use of land for such purposes.

⁹ Delaware: Consent given to acquisition of not exceeding 100 acres for forts, magazines, arsenals, and dock yards, 10 acres for lighthouses, 1 acre for any lifesaving station in any place or locality.

¹⁰ Delaware: Title to land acquired for aids to navigation escheat to State if construction thereon not commenced within 2 years and completed 10 years thereafter.

¹¹ Florida: Any person in the service of the United States Government living within the borders of the State is deemed a resident for the purpose of maintaining any suit in chancery or action at law.

¹² Georgia: State constitution permits any resident of a United States Army post or military reservation within the State for 1 year to bring an action for divorce in any adjacent county.

¹³ Georgia: State cedes exclusive jurisdiction over wildlife in national forests to United States.

¹⁴ Georgia: State retains civil and criminal jurisdiction over persons in ceded territory, except territory used by the Department of Defense. But see footnote 12 supra.

¹⁵ Georgia: State retains jurisdiction over the regulation of public utility services in any ceded territory.

¹⁰ Illinois: Act granting to the United States right to enter upon and take possession of small parcels or tracts of land lying within Illinois on waters of Ohio and Wabash Rivers not revealed.

¹¹ Indiana: Exclusive jurisdiction granted United States over sites for river improvements. State consents to the United States purchasing lands lying on the banks of Ohio, Wabash Rivers for river improvements, and cedes exclusive jurisdiction and rights of assessment and taxation over such lands.

¹² Indiana: State reserves right to tax gifts or income of any person, firm, partnership, association, corporation which is received on account of performance of contracts or other such offices upon lands acquired for post offices, customhouses, or light structures used for Government purposes, but not including lands acquired for levee lands or river improvements.

¹³ Iowa: United States may exercise jurisdiction over acquired lands, but not to the extent of limiting the provisions of the laws of the State. State reserves concurrent criminal jurisdiction over lands held by United States, except when used for naval or military purposes.

¹⁴ Kansas: President of any United States Army post or military reservation within this State for 1 year may bring an action for divorce in any adjacent county.

¹⁵ Kansas: State reserves right to tax the property and franchises of any railroad, bridge, or other corporations within the boundaries of such lands.

¹⁶ Kentucky: Commonwealth consents to any retrocession by the United States of lands within its boundaries whenever the United States shall cease to exercise jurisdiction over such lands. The conveyance of lands to private owners is deemed to constitute a retrocession.

¹⁷ Louisiana: State cedes exclusive jurisdiction over wildlife in national forests to United States.

¹⁸ Maryland: Prior to 1947, State ceded exclusive jurisdiction over lands acquired for customhouses, courthouses, postoffices, aids to navigation, and military purposes; and partial jurisdiction for other public purposes. It might be argued that since the United States Constitution does not require the acquisition by the United States of any jurisdiction it was the intent of the Maryland Legislature to retain to the State full jurisdiction and that the United States can acquire only a proprietorial interest over lands in that State. On the other hand, it might be contended that since the State had previous to the 1947 statute ceded exclusive jurisdiction, the legislature only intended to reserve concurrent jurisdiction by that statute and now offers to cede that measure of jurisdiction to the United States.

¹⁹ Minnesota: Consent to purchase given by land exchange commission, upon application of the United States.

²⁰ Minnesota: State cedes exclusive jurisdiction in or over any place owned or acquired by the United States for any purpose specified in sec. 1.042 required by or under the Constitution or laws of the United States.

²¹ Minnesota: Consent to acquisition of land or exercise of jurisdiction by United States evidenced by certificate of Governor.

²² Minnesota: State retains right to protect, regulate, control, and dispose of any property of the State therein.

²³ Mississippi: State cedes exclusive jurisdiction to the United States over lands acquired for customhouses, post offices, or other public buildings, and over wildlife in national forests. For any other public works or purposes, the Governor, upon application of the United States, is authorized to cede jurisdiction for the purpose of the cession; however, such cession of jurisdiction does not prevent the laws of Mississippi from operating over such land. United States may also acquire lands for roadways or parkways over which State cedes partial jurisdiction, reserving, however,

the right to tax sales of motor fuels and persons and corporations on roads and parkways.

²⁴ Missouri: State consents to United States's acquisition of exclusive jurisdiction over land for Internal Revenue and other Government offices (other than those required for military purposes), hospitals, sanitariums, fish hatcheries, and land for reforestation, recreational, and agricultural uses.

²⁵ Montana: State constitution grants exclusive jurisdiction to United States over Fort Assinaboline, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula, and Fort Shaw so long as they remain military reservations. General cession laws provide that the jurisdiction of the United States over other places is qualified by the terms of cession, or the laws under which such land was purchased or condemned.

²⁶ Montana: By general cession laws, State reserves right to serve and execute civil or criminal process in any suits or transactions or on account of any rights obtained, obligations incurred, or crimes committed in this State, within or without such territory.

²⁷ Montana: By general cession laws, State reserves right to tax persons and corporations, their franchises and property within said territory.

²⁸ Montana: State reserves to its inhabitants and citizens the right to fish and hunt; and State reserves the right of access, ingress, and egress to and through said ceded territory to all persons owning or controlling livestock for the purpose of watering the same. State also reserves jurisdiction to enforce laws relating to the duties of the Livestock Sanitary Board and the State Board of Health, and their regulations.

²⁹ Nevada: State consents to Federal acquisition of land required by Department of Defense or Atomic Energy Commission; as to other lands, except lands or water rights located within existing national forests, State consent given by concurrence of a majority of the members of the State Tax Commission, which majority shall include the Governor.

³⁰ Nevada: State reserves right to serve any criminal or civil process upon land acquired for the Department of Defense or Atomic Energy Commission for any cause there or elsewhere in the State arising. Except for lands acquired for the purposes expressly provided for in art. I, sec. 8, clause 17, of the United States Constitution, State reserves jurisdiction over all civil and criminal cases, and to all persons residing on such land all civil and political rights, including the right of suffrage.

³¹ Nevada: Map required only for lands acquired by Department of Defense or Atomic Energy Commission.

³² Nevada: On lands acquired by Department of Defense or Atomic Energy Commission, State reserves only the right to tax private property.

³³ Nevada: On lands acquired by United States, other than for the Department of Defense or Atomic Energy Commission, United States must make tax payments or in lieu of tax payments, unless the State waives same.

³⁴ Nevada: Except land acquired by Department of Defense or Atomic Energy Commission, State reserves the right to control, maintain, and operate all State highways constructed upon land acquired by the United States.

³⁵ New Mexico: Persons residing on lands ceded to the United States may establish residence for voting purposes. Military personnel who have been continuously stationed on any military base or installation in the State for 1 year shall be deemed residents of the State and county where such base or military installation is located for maintaining an action for divorce.

³⁶ New York: Aside from certain exceptions, cession laws (art. 4) do not apply to Orange County.

³⁷ North Carolina: State retained concurrent criminal jurisdiction over lands acquired by United States between 1905 and 1907 for purposes specified in sec. 104-1. State cedes exclusive jurisdiction over wildlife in national forests.

⁴⁴ Ohio: Officers, employees, or inmates of any national asylum for disabled volunteer soldiers and infirm or disabled soldiers who are inmates of a national home may exercise the right of suffrage, if otherwise qualified.

⁴⁵ Pennsylvania: No general cession laws as to lands dedicated to military purposes. State cedes partial jurisdiction to United States over lands not to exceed 10 acres to be used for purposes of erecting post offices, customhouses, or other structures exclusively owned and used by United States. State consents to acquisition by United States, by purchase or otherwise, of lands for dams, locks, etc., over which United States is given concurrent jurisdiction.

⁴⁶ Pennsylvania: Not required for lands acquired for dams, locks, etc.

⁴⁷ Pennsylvania: No provision for lands acquired for dams, locks, etc.

⁴⁸ South Carolina: Certain statutes enacted prior 1908 ceding lesser jurisdiction to United States carried in code.

⁴⁹ South Dakota: Tracts acquired for public buildings shall not exceed 10 acres.

⁵⁰ Tennessee: By acts of 1867, State ceded exclusive jurisdiction to the United States over lands thereafter acquired for national cemeteries. Notarial acts performed by any commissioned officer in active service of the Armed Forces may be filed or used in any court in the State. Persons residing on Federal territory within the boundaries of State for 1 year meet residence requirements for adoption purposes.

⁵¹ Texas: Governor cedes jurisdiction after application for such by United States. Government lands and improvements right to tax personal property as well as any portion of the firm, or corporation in a private capacity or to conduct a private business.

⁵² Utah: Includes lands held by United States under lease, use permit, or reserved from the public domain.

⁵³ Vermont: Consent not given to land acquisition for flood control purposes or for other needful buildings unless and until acquired by the State and conveyed to United States with written approval of Governor.

⁵⁴ Virginia: Unconditional consent given for acquisition of post offices.

⁵⁵ Virginia: State retains concurrent jurisdiction so far as it lawfully can over lands acquired by the United States prior to 1919 over which the United States obtained jurisdiction.

⁵⁷ Virginia: Deed required when jurisdiction in addition to what is granted in secs. 7-18, 7-19, and 7-21 is requested by the head or other authorized officer of any department or agency of the United States (sec. 7-24, Code of Virginia, 1950). Under the last-mentioned section, exclusive jurisdiction may be ceded by deed executed by the governor and the attorney general.

⁵⁸ Virginia: For all purposes of the jurisdiction of the courts of Virginia over persons, transactions, matters and property on such lands, the lands are deemed to be a part of the county or city in which they are situated.

⁵⁹ Virginia: Over all lands acquired by or leased or conveyed to the United States pursuant to the conditional consent conferred, the State cedes to the United States concurrent jurisdiction, legislative, executive, and judicial, with respect to the commission of crimes and the arrest, trial, and punishment therefor.

⁶⁰ Virginia: Filing of description required for acquisition of waste and unappropriated lands.

⁶¹ Virginia: State reserves the power to levy a tax on oil, gasoline, and all other motor fuels and lubricants owned by others than the United States and a tax on the sale thereof on such lands, except sales to the United States for use in the exercise of essentially governmental functions.

⁶² Virginia: The State further reserves the right to license and regulate, or to prohibit, the sale of intoxicating liquors on any such lands and to tax all property, including buildings erected thereon, not belonging to the United States and to require licenses and impose license taxes upon any business or businesses conducted thereon.

⁶³ Washington: Constitution provides that the United States exercising exclusive legislative power over land then held or ceded by the United States. General cession laws cede concurrent jurisdiction to the United States, saving cessions of jurisdiction before act, but expressly reserving such jurisdiction and authority over land acquired or to be acquired by the United States as is not inconsistent with jurisdiction ceded to the United States. Statutory cession given to the United States to exercise exclusive legislation over lands acquired by donations from any county.

CHAPTER VI

JURISDICTIONAL PREFERENCES OF FEDERAL AGENCIES

Basic grouping of jurisdictional preferences.—Federal agencies can be divided into three groups as to their views of their legislative jurisdictional needs. Those in the first group feel that their functions are carried on most effectively when the United States acquires exclusive legislative jurisdiction—or some shade of partial jurisdiction approaching exclusive—over the sites of some of the installations under their management; the second group consists of agencies which consider concurrent legislative jurisdiction most suited to their requirements; and the third and largest group is made up of agencies which consider that only a proprietorial interest in the Federal Government, with legislative jurisdiction left in the States, best suits the requirement of their operations.

Agencies preferring exclusive or partial jurisdiction.—The group preferring exclusive or partial legislative jurisdiction includes the Veterans' Administration (which states that it desires exclusive jurisdiction, or at least concurrent jurisdiction, over all its installations except office buildings in urban areas, as to which a proprietorial interest only is deemed satisfactory), the National Park Service of the Department of the Interior (which desires to have partial jurisdiction over national parks and over national monuments of large land area), and the three military departments, the Department of the Army (which desires to procure or retain exclusive as well as other forms of legislative jurisdiction over various individual installations on an individually determined basis, except as to land dedicated to civil projects of the Corps of Engineers, for which only a proprietorial interest in the United States as may be necessary is deemed best suited), the Department of the Navy (which desires an exclusive or certain partial legislative jurisdiction for its major installations, on an individually determined basis), and the Department of the Air Force (which desires a partial legislative jurisdiction but which would find concurrent legislative jurisdiction acceptable under certain conditions). Also, the Bureau of the Census and the Civil Aeronautics Administration of the Department of Commerce each consider that no less than an existing exclusive or partial legislative jurisdiction is best suited to one certain Federal property which each occupies.

Agencies preferring concurrent jurisdiction.—The group preferring, in special situations, concurrent jurisdiction for certain of its properties consists of the General Services Administration (which finds a proprietorial interest sufficient for general purposes but, in the event of a failure to secure certain statutory changes hereinafter recommended, would desire concurrent jurisdiction for limited areas requiring special police services), the Department of Health, Education, and Welfare (which desires such jurisdiction for a small number of properties in special situations, but which considers a proprietorial interest generally satisfactory), the Department of the Navy (which desires such jurisdiction, but alternatively would not find only a proprietorial interest grossly objectionable, as to all properties other than the major properties for which it determined exclusive or partial legislative jurisdiction most desirable), the Bureau of Prisons of the Department of Justice (which desires concurrent legislative jurisdiction for its installations in which prisoners are maintained), the Bureau of Public Roads of the Department of Commerce (which desires concurrent jurisdiction for five installations), and the Department of the Interior (which considers that this status may be desirable for certain wildlife areas).

Agencies preferring a proprietorial interest only.—The last and largest group, which desires for its properties only a proprietorial interest in the United States, with legislative jurisdiction left in the States, includes all Federal agencies not mentioned in the two paragraphs above which occupy or supervise real property of the United States and, as to certain of their properties, several of the mentioned agencies. Among the major landholding agencies in this third group are the Department of the Interior as to the great bulk of its lands, the Department of Agriculture, the General Services Administration for all of its properties (except those as to which concurrent jurisdiction is required unless certain amendments to its authority to furnish special police services are enacted), the Tennessee Valley Authority (which reserved judgment as to whether one certain installation should be under an exclusive jurisdiction status for security reasons), the Atomic Energy Commission, the Department of the Treasury, the Housing and Home Finance Agency, the Department of Health, Education, and Welfare as to most of its properties, and the International Boundary and Water Commission. The Central Intelligence Agency and the Immigration and Naturalization Service of the Department of Justice hold relatively minor amounts of real property but it is interesting to note, in view of the security aspects of their operations, that they are also included in the group which desires only a proprietorial interest for their properties.

Lands held in other than the preferred status.—One of the facts which early came to the attention of the Committee is that while many Federal agencies have more or less definite views as to what legislative jurisdictional status is best suited for their lands in the light of the purposes to which the lands are put, they often hold large proportions of such lands in different status. The Central Intelligence Agency and the United States Information Agency are the only Federal agencies which hold all their properties solely in the status (proprietary interest only) which they consider best for their purposes.

Where, as is usually the case, the lands are held with more jurisdiction in the United States than is considered best by the Federal agency concerned, the explanation often, and with most agencies, lies in the fact that jurisdiction was acquired prior to February 1, 1940, during the 100-year period when it was generally mandatory under Federal law (Rev. Stat. 355, see appendix B) that agencies procure the consent of the State to purchase of land (whereby the United States acquired exclusive legislative jurisdiction over such land by operation of art. I, sec. 8, clause 17, of the Constitution). In other instances the land was acquired by transfer from other agencies which preferred a status involving more jurisdiction in the United States than is desired by the agency presently utilizing the property. The latter is particularly true of the Atomic Energy Commission, the Department of Agriculture, and other agencies desiring little or no legislative jurisdiction, which now hold certain lands originally acquired by one of the military departments. In still other instances an agency has been required by old Federal statutes, or by newer legislation patterned on old statutes, to acquire a particular type of jurisdiction over land to be utilized for certain purposes. The last reason applies to lighthouse sites and certain other Coast Guard properties, as to which section 4661 of the Revised Statutes of the United States (33 U. S. C. 777 (see appendix B)), requires acquisition of jurisdiction, and to national park areas under the supervision of the Department of the Interior, the jurisdictional status of which is fixed with few exceptions by statutes pertaining to individual such areas, which statutes for many years apparently have been patterned on similar preexisting laws.

Another basic cause of an excess of jurisdiction in the United States, and of some lack of desired jurisdiction, is that with only three exceptions (Alabama, Florida, and Virginia) the States in their general consent or cession statutes rigidly fix the quantum of jurisdiction available to the Federal Government, which measure of jurisdiction is accepted by Federal agencies actually desiring a lesser measure in

order to avoid requirement for requesting special State legislation. In this connection it may be noted that while Federal law (Rev. Stat. 355, as amended) currently grants authority to Federal administrators to acquire only such jurisdiction as they deem necessary, State laws with the three exceptions noted are not designed to permit any accommodation to differing Federal needs. A further basic cause of an excess of jurisdiction in the United States is the fact, already mentioned, that while Federal law gives authority (with minor exceptions) to Federal administrators to acquire jurisdiction, it does not (with similarly minor exceptions) give them like authority to dispose of jurisdiction once it is acquired.

Where, on the other hand, the lands of an agency are held with less jurisdiction in the United States than is considered best by the Federal agency concerned, the most frequent explanation would appear to be that the State law does not permit the acquisition of the type of legislative jurisdiction desired. The Veterans' Administration, while desiring exclusive jurisdiction (or at least concurrent jurisdiction) in nearly all cases, has accepted no jurisdiction over its more recent acquisitions in California because of what it considers the onerous procedural provisions of the California cession statute and the indefinite nature of the jurisdiction acquired once the procedures have been completed.

Lack of firm agency policy with respect to the quantum of jurisdiction which should be acquired for various types of agency installations is also responsible for many instances in which less jurisdiction than deemed desirable is had by an agency over various of its properties. The Navy, for example, has indicated that its practice has been to acquire legislative jurisdiction over its installations only after the local commander has submitted a justified request for such acquisition. The Committee has received information from several agencies, and the replies of several other agencies suggest the same fact, that until the present study had focused their attention to matters relating to jurisdiction, many Federal agencies had developed no policy in this field. This has been responsible for the acquisition of an excess of jurisdiction more often than of too little jurisdiction, but has been an apparently significant factor in each case. The Committee feels that if its work served no other purpose than has already been accomplished in simulating the agencies to a study of their own policies, practices and procedures with respect to acquisition of legislative jurisdiction it will have been worthwhile.

Difficulty of obtaining information concerning jurisdictional status.—Another factor of considerable significance which has been brought to light by the work of the Committee has been the incompleteness and inaccuracy of agency land records as to the jurisdictional

status of the lands held. In many cases the opinion expressed by an agency as to the type of jurisdiction that existed over a particular installation differed from that expressed by the local commander or manager of the installation. In still other cases no information or opinion whatever appeared to be readily available on the subject. Unfortunately, these situations are confined to no few agencies, but exist rather generally.

Six States (Alabama, California, Florida, New York, Texas, and Virginia) have requirements set out in their general consent or cession laws for the filing of information concerning jurisdictional status with the governor or secretary of state, or the city or county or court clerk or registrar with whom title records are required to be filed. To the extent that such State laws apply, information on the jurisdictional status of an area is available to all interested parties. Otherwise such information apparently may be unavailable except perhaps after considerable research by a person skilled in the law relating to this intricate subject, since jurisdictional status may in a given case depend on a special rather than a general State consent or cession statute, upon acceptance by a Federal administrator, and upon other factors.

CHAPTER VII

ANALYSIS OF FEDERAL AGENCY PREFERENCES

A. GENERAL

Determinations concerning jurisdictional needs.—One of the basic aims of the Committee is to assist Federal agencies, in the light of all the information gathered by the Committee, in determining the actual needs of their installations and activities with respect to legislative jurisdiction. The Committee desires to stress that while it has indicated, in some instances with considerable definiteness, the jurisdictional status which the properties of the several agencies should have, it is of course the individual agencies which have responsibility for their operations, and it is the agencies, not the Committee, which must make the final decision.

Every Federal agency having an interest in matters affected by legislative jurisdiction, and each Federal installation located on federally owned ground in the three sample States (Virginia, Kansas, and California) was specifically requested to indicate the jurisdictional status of its land, any jurisdictional status which the agency or installation supervisor might prefer, the advantages and disadvantages to Federal operations of the several types of jurisdictional status, and the problems which had been experienced out of any matter related to legislative jurisdiction. In addition, the Committee gained a considerable insight into the manifold problems arising out of varying jurisdictional statuses through the many hundreds of Federal and State judicial decisions, and legal opinions, memoranda, and letters on this subject prepared by Federal agency officials, State attorneys general, and others, which were brought to the attention of the Committee by the various cooperating agencies and officials.

B. VIEWS OF AGENCIES DESIRING EXCLUSIVE OR PARTIAL JURISDICTION

State interference with Federal functions.—The views of the Veterans' Administration, the National Park Service of the Department of the Interior, the Bureau of the Census and the Civil Aeronautics Administration of the Department of Commerce, and the three military departments, most nearly follow the traditional Federal policy, almost uniform prior to 1940, that the United States needs to acquire

exclusive legislative jurisdiction over the sites of its installations if it is to perform its constitutional functions effectively. The Army report, which is very similar in this respect to a Marine Corps report, has perhaps expressed the basic reasoning underlying this traditional Federal view most effectively in its discussion of the reason numerous local commanders have urged the acquisition of exclusive legislative jurisdiction. The Army report states:

This is understandable when it is considered that a post commander is charged with the administration, protection, security, safety, and care of the properties under his control, including, in a limited sense, the conduct and activities of the personnel within such areas. Such a commander should, of course, be free in the above respects with the least possible interference by State or local authorities.

Whether the carrying out of these responsibilities is substantially related to the jurisdictional status of the site of the installation will bear further examination.

Direct interference.—Freedom from interference in their operations by State and local authorities is, indeed, mentioned as a desirable factor by the Navy, Air Force and Veterans' Administration as well as the Army, and in the answers of numerous local managers or commanders of installations of these and various other agencies. While each of the agency answers to questionnaire A indicates that the reporting agency is fully aware of the constitutional immunity of Federal functions from any direct State interference, it would appear that there is an understandable lack of such knowledge on the part of some local commanders and managers. However, notwithstanding knowledge of immunities apart from those flowing from jurisdictional status, these agencies believe that exclusive jurisdiction aids them in securing freedom from State and local interference. As stated in the Navy report:

The principle that the Federal Government enjoys a constitutional immunity from interference by the States is clearly established. But the boundaries of that immunity are by no means well-established * * * If a State has concurrent jurisdiction over an installation and a conflict occurs as to the applicability of State law, an assertion of Federal immunity having been made, it is true that the issue may ultimately be resolved in favor of immunity, but the delay, expense and effort involved in establishing such immunity, are, in fact, almost as much an interference as would be actual control by the State.

Almost the identical thought has been expressed by the Veterans' Administration. That agency states:

Circumstances and exigencies do not always accommodate themselves to extended litigation to determine the fine line of demarcation between Federal and State jurisdictions.

Four basic reasons have been advanced by the Veterans' Administration for preferring exclusive legislative jurisdiction. These are that such a jurisdictional status obviates: (1) conformance to local building codes, (2) State or local interference in hospital operations as regards boiler plant operation, or sanitation, water, or sewage disposal arrangements, (3) confusion as to police authority, and (4) requirements for compliance with numerous and varied State and local licensing and inspection practices, such as any requirement with respect to State licensing of Administration physicians.

The question of compliance by the agency with various types of State and local statutes enacted under the police powers of the States, statutes designed for the protection of the health and safety of the public, apparently is the principal basis of the concern on the part of the Veterans' Administration, and indeed is a matter on which concern was expressed by several other agencies. Among the types of statutes and regulations involved aside from those regulating matters mentioned by the Veterans' Administration, are health regulations, fire prevention regulations, elevator inspection codes, vehicle inspection laws, and others of a like nature. The immunity of Federal operations such as those conducted by the Veterans' Administration and each of the other agencies raising this question from State interference stems not from Federal jurisdiction over the land upon which the operations are conducted but is incident to the status of the operations as functions vested in the Federal Government by the Constitution. The Federal Government's constitutional immunity from direct State interference with the carrying out of Federal functions would appear to be clearly established. The Committee therefore views the acquisition of any measure of Federal jurisdiction unnecessary in order to secure freedom from any direct interference in this field.

The Veterans' Administration's concern (reason No. 3), that a jurisdictional status other than exclusive jurisdiction in the United States might lead to confusion as to police authority over the area, would not appear to find support in the cases of its reporting installations as to which the United States has other than exclusive jurisdiction, none of which has reported any such confusion. It appears to be a fact, on the other hand, that in some instances local police presently are rendering service on Veterans' Administration installations under the exclusive jurisdiction of the United States, in cooperation with the managements of such installations, which services very likely involve extra-legal arrests and other actions.

Various bureaus of the Department of the Interior have expressed concern as to whether, in the absence of exclusive jurisdiction, con-

troversies with the States over compliance with State hunting license, bag limit, open season and similar fish and game regulations in carrying out programs of reduction of game over-population on certain properties and extermination of carp and similar harmful species in the waters thereof will not increase. The Committee agrees with the Department in its view that just as the Department may not be prevented from carrying out such programs on its lands, even though it has acquired no Federal legislative jurisdiction over them, a State cannot control the manner in which it carries them out. (See *Hunt v. United States*, 278 U. S. 96 (1928)).

The implication of the mentioned remarks by the Department of the Navy, the Veterans' Administration, and the Department of the Interior might appear to be that Federal and State authorities are in a constant state of conflict over the application of State authority to Federal reservations. But specific information received from the many hundreds of local installations in Virginia, Kansas, and California would indicate that just the opposite is actually the case. Replies of these individual installation managers to questionnaire B give an almost uniform picture of harmony and good relations between themselves and State and local officials. The State and local authorities would appear without significant exception to cooperate fully with Federal officials where such cooperation on their part is desired, and to adopt a hands-off attitude as to those aspects of the installations' activities where it is the desire of the Federal officials that they do so. And this would appear to be the case irrespective of the jurisdictional status of the site of the Federal installation.

While it is true that the hundreds of court decisions, legal opinions, memoranda of law, and similar material dealing with conflicts that have arisen in this field would indicate that such harmonious relations have not always existed, it would appear that as of the present time the relations between State and local officials are generally on a live-and-let-live basis. In addition, an examination of the synopses of this material by the Committee has led it to the belief that a very large proportion of the conflicts dealt with problems that no longer exist (e. g., taxation questions now no longer in existence by virtue of the Buck Act, Federal Aid Highway Act (Hayden-Cartwright Act), and similar enactments) or with matters where the Federal Government could have secured immunity on either of two grounds—exclusive legislative jurisdiction in the United States or Federal constitutional immunity from State interference, and on whichever ground the Federal Government has stood it has similarly prevailed. The history of the existence of conflicts with respect to activities carried out on exclusive legislative jurisdiction lands establishes, more-

over, that all conflicts cannot be avoided by recourse to acquisition of exclusive legislative jurisdiction.

To summarize, in the field of the application of the police powers of the State to the activities of the Federal Government, there can be no application of State authority based on the exercise of such power directly to the Federal Government or its instrumentalities. Thus, whatever immunity from direct State interference is required by an installation manager or commander in the performance of his Federal functions would appear to be sufficiently guaranteed to him by constitutional provisions other than that dealing with exclusive legislative jurisdiction and those problems envisaged in determining the boundaries of this Federal immunity do not appear to have arisen in actual practice to any significant degree. The fact that they have arisen, and in exclusive jurisdiction areas, demonstrates that exclusive jurisdiction is not a panacea for avoiding such problems.

After careful consideration of the foregoing the Committee is constrained to the view that the necessity for avoidance of direct State or local interference with Federal activities is entitled to little weight as a factor in determining the need for exclusive legislative jurisdiction on the part of the Federal Government.

Indirect interference.—A matter of considerable significance to the agencies which have favored exclusive jurisdiction for their installations within the States is the lack of immunity of the Federal Government and its instrumentalities, in the absence of such jurisdiction, from certain indirect State interference with, or certain regulation and control of, various activities at the installations. By "indirect" is meant a control or interference accomplished by controlling or regulating private persons, corporations, or agencies that are in the position of employees of the Federal Government or are acting as its suppliers, contractors, or concessionaires rather than by a direct impingement of State authority upon an arm of the Government. The Army, for instance, expresses concern over the adverse effect State miscegenation statutes might have on its troop deployment and assignment procedures if less than exclusive legislative jurisdiction is had over bases within States having such laws in effect. It is noted by the Committee, however, that the Army presently has less than exclusive jurisdiction over numerous bases without apparent adverse effect in this respect. The Department of the Navy envisages increased procurement costs as to items subject to State minimum price regulations if deliveries are made in areas not within the exclusive jurisdiction of the United States, although the General Counsel of that Department is inclined to believe that this factor alone would not justify the acquisition of exclusive legislative jurisdiction. Each of

the military departments expresses the opinion that lack of exclusive legislative jurisdiction would subject the sale, possession, and consumption of alcoholic beverages on military reservations to a very large measure of indirect State control. However, it is not suggested that such control is a seriously adverse factor with respect to the many reservations now under less than exclusive jurisdiction. While these problems are not the sole examples of indirect State control and regulation, they serve to illustrate the varied types of problems with which the land-managing agencies may be required to cope in areas where they do not have exclusive legislative jurisdiction.

Most of the problems which can be ascribed to indirect State interference which Federal agencies and their instrumentalities encounter with respect to installations over which the United States does not exercise exclusive jurisdiction arise from attempts by the States to apply, indirectly, either their taxing or their police powers to Federal activities. As to the taxing power, it is clear that the Federal Government enjoys no general immunity from the economic burden of State taxes imposed on its contractors (*Alabama v. King & Booser*, 314 U. S. 1 (1941)). Any immunity in this regard must flow from the exclusive jurisdictional status of the site upon which the taxable transaction occurs or the taxable object is located. At the present time the financial savings which accrue to the United States by virtue of this immunity would appear not to be significant in view of Congress' consent to the applicability of State taxes on gasoline sales, other sales and uses, and income earned on Federal reservations regardless of the jurisdictional statuses of the reservations. However, the losses to the States because of their inability to tax privately owned property located on exclusive jurisdiction areas is obviously considerable, although only in relatively rare cases does the United States receive direct benefit from immunity of private property from taxation.

Where license or similar charges, or minimum price laws, imposed under the police power of the State are involved, there would appear to be some advantage to exclusive legislative jurisdiction being vested in the United States. If suppliers of agencies of the United States or their instrumentalities are to enjoy freedom from the applicability of State minimum resale price laws, for example, it must be considered that in the absence of congressional restrictions on the States the suppliers can derive such freedom only from the fact that the sale took place on lands under the exclusive legislative jurisdiction of the United States. The cases of *Penn Dairies, Inc. v. Milk Control Commission* (318 U. S. 261 (1943)), and *Pacific Coast Dairies v. Department of Agriculture of California* (318 U. S. 285 (1943)), would appear to have made at least that much clear.

The alcoholic beverage control laws and regulations of the States would appear to be a source of potential conflict should the United States relinquish its exclusive jurisdiction over lands on which the Federal occupant thereof deals in such beverages. The Federal Government enjoys a considerable amount of freedom from indirect State control in its dealings, through such instrumentalities as officers and noncommissioned officers messes, in alcoholic beverages where such dealings are confined to areas under the exclusive jurisdiction of the United States. Concessionaires of the Government also participate in this freedom. Though the freedom has not gone unchallenged, judging by the large number of legal opinions in which the chief law officers of the various departments have had to defend it, it has been firmly established since the case of *Collins v. Yosemite Park Co.* (304 U. S. 518 (1937)). That case laid down the principle that shipments from an out-of-state supplier to a consignee within a reservation under the exclusive jurisdiction of the United States are not importations into the State within the meaning of the 21st amendment and therefore not subject to control by the State under authority of that amendment. Where the United States does not have exclusive jurisdiction, however, the police power of the State as expressed in its alcoholic beverage control laws and regulations would appear to have a considerable impact on Federal installations. Although there can be no direct interference by the State with Federal instrumentalities, the indirect effects would be considerable, since to a large extent State regulation in this field is exercised through the control, regulation, and licensing of distributors, wholesalers, warehousemen, and like persons. In addition, where sales of alcoholic beverages are handled by concessionaires, as is the case in certain national parks under the administration of the Department of the Interior, such sales and all incidents connected therewith would appear to come under the complete control of the States.

The Committee finds that while the United States and its instrumentalities are not directly subject to State and local laws and regulations which have the effect of impeding Federal use of property, regardless of the legislative jurisdictional status of the property involved, such laws and regulations in some instances indirectly may affect Federal activities to some degree on property which is not immunized from them by its jurisdictional status.

On the other hand, assuming all immunization possible, as by the procurement for an area of exclusive Federal legislative jurisdiction, laws and regulations enacted under the authority of the State may have an even more objectionable effect. Many State-enacted police power regulations would be carried over as Federal laws under the

rule of international law discussed earlier. Because such laws eventually become obsolete, compliance with them would have an even more objectionable effect than compliance with similar, but more up-to-date, State regulatory measures. Under an exclusive legislative jurisdiction status, builders, contractors, and similar persons operating for the Federal Government on a Federal area may be required to comply with the obsolete laws to avoid liability in the event of misadventure, for otherwise they could be held liable in a personal action by an injured party under some circumstances.

It is noted by the Committee that each of the Federal agencies which indicates a preference for a jurisdictional status for its properties which would insulate such properties from application of State laws and regulations presently conducts its activities to a considerable extent and without apparent serious handicap on properties not so insulated.

The Committee feels that weight must be given to all these and other factors in determining whether exclusive legislative jurisdiction, or appropriate partial jurisdiction, is desirable for installations on which various Federal activities are conducted, and it further feels that in the usual case the balance will be on the side of not vesting exclusive or partial jurisdiction in the Federal Government.

Security.—Several agencies have suggested that exclusive (or, in some cases, at least concurrent) jurisdiction is necessary to provide adequately for the physical security of their installations. Although there was no precise definition of the word "security" by the Committee or any of the reporting agencies, it is assumed that all agencies using the term had roughly equivalent understandings of what the term embraced. As used in the present section of this report it should be taken to mean the protection afforded an installation by internal and external measures to control the entrance and departure of all persons into or from the installation and to prevent the unauthorized entry or departure by force or covert means of any persons, to prevent the unauthorized removal of Government property by persons leaving the installation, and all other measures taken by the manager or commander to prevent depredation of Government property, or subversion, sabotage, or similar activities within the installation.

Although security of the installation has been given by several agencies as a reason for desiring legislative jurisdiction (e. g., Army, Air Force, Veterans' Administration, Bureau of Public Roads), the two agencies with perhaps the greatest need for the security of their installations, the Atomic Energy Commission and the Central Intelligence Agency, indicate that they have experienced no difficulties in enforcing strict security requirements in any of their installations

despite the fact that most of the sites are held under only a proprietary interest. Furthermore, the Department of the Navy, relying on an opinion of the Judge Advocate General of the Navy, reports that it is its view that there is no connection between security of a base and the jurisdictional status of its site. The Navy feels that if the adequate performance of a Federal function requires such measures as erecting fences, arming of guards, or using force in evicting trespassers or protecting Federal property, then the measures may be taken regardless of the jurisdictional status of the land.

On the other hand, certain other agencies have suggested that the arresting of trespassers is on a firmer legal footing if the United States has an appropriate measure of legislative jurisdiction. This is true presently with respect to areas under the supervision of the General Services Administration, because that agency possesses authority under the provisions of the act of June 1, 1948 (62 Stat. 281, as amended (40 U. S. C. 318)), to appoint its uniformed guards as special policemen with powers of arrest somewhat greater than those of a private person only where the United States has acquired exclusive or concurrent jurisdiction over the property. By another provision of the mentioned statute (40 U. S. C. 318b), the General Services Administration may, upon request, detail its special policemen to property administered by other agencies and may extend to such property the application of its regulations. It has been indicated to the Committee, however, that as a matter of policy the General Services Administration will not detail its special policemen to any Federal establishment unless there is already some General Services Administration organization in the vicinity and unless the General Services Administration is allowed to maintain supervision of the guard force. Since many Federal installations are remote from existing General Services Administration organizations and since as a matter of policy certain Federal agencies are unwilling to accede to the latter of these conditions, the acceptance of concurrent or a greater measure of jurisdiction provides no cure-all if police authority is necessary to the security of Government installations. However, the Committee proposes to recommend a helpful amendment to the act of June 1, 1948, as amended, by eliminating therefrom the requirement for exclusive or concurrent jurisdiction, as not constituting a necessary or desirable requirement. With this amendment GSA guards will be able to exercise police powers over federally owned property without regard to its jurisdictional status.

With regard to the question of the security of Federal installations the Committee is inclined to the view that the opinion advanced by the Department of the Navy that adequate security of Federal installa-

tions can be obtained irrespective of the jurisdictional status of their sites is legally correct. On the other hand, it recognizes that Federal civilian guards, security patrols and like employees may more zealously safeguard the property and interests of the United States if they are invested with the usual police powers and the protection which such powers give against civil liability for false arrest or imprisonment. The Committee feels, however, that the proper means of accomplishing this is by the enactment of legislation along the lines discussed in the immediately preceding paragraph rather than by the acquisition of exclusive or concurrent jurisdiction so that title 40, United States Code, sections 318 and 318b may be applied. For that reason the Committee does not accord a great deal of weight to the argument that the acquisition of exclusive (or concurrent) jurisdiction would aid in obtaining increased security for Federal installations.

Uniformity of administration.—One of the advantages mentioned by agencies favoring exclusive legislative jurisdiction was that uniformity of administration would be secured. It is assumed that this presupposes that exclusive jurisdiction is essential for some installations of the agency. To be sure, absolutely uniform administration of all its installations located in the United States could be accomplished by any agency in such circumstances only if all its installations were in an identical jurisdictional status. However, no agency has expressed a desire that all its lands be held in an exclusive jurisdictional status, and any such desire would be futile as a practical matter, since no agency now has all its property in that status and approximately half the States currently do not grant exclusive jurisdiction to the United States in the ordinary case. For similar reasons uniformity of administration is therefore not believed by the Committee to be a valid argument for any particular quantum of legislative jurisdiction other than a proprietorial interest.

Miscellaneous.—In addition to these major arguments which the several agencies favoring exclusive legislative jurisdiction have advanced, there are several others which certain of the agencies have mentioned. Although one such argument is that the surrender of exclusive jurisdiction would result in increased taxes to Federal residents of the areas affected, no agency has put any particular emphasis on this factor in its discussion of the relative merits or demerits of various jurisdictional statuses. This is understandable in view of the large inroads that recent congressional enactments have made into the broad tax immunities which these residents at one time enjoyed. Today, as has already been indicated, property taxes are the only taxes of any significance which are inapplicable to residents of Federal enclaves.

Apart from the strictly legal incidents of exclusive legislative jurisdiction, installations of the Department of the Navy, with concurrence

indicated by the Navy, suggest that an exclusive jurisdiction status makes for better relations with the surrounding community in that it is generally recognized by State and local officials as vesting in the installation commander authority which such officials might otherwise claim. Although the Navy report is the only one in which this factor is specifically mentioned, the Veterans' Administration, Army and Air Force reports would seem to imply similarly. However, no agency has furnished the Committee any specific examples illustrating this premise, and the Committee has been unable to evaluate its validity. The Committee has noted, however, that with great uniformity individual Federal installations, whatever their jurisdictional status, have reported the existence of excellent relations with neighboring communities.

The military departments express concern that as to crimes committed within Federal areas of less than exclusive legislative jurisdiction conflicts will arise with State authorities as to which sovereign will exercise its respective jurisdiction. The Army apparently envisages a possibly considerable increase in the State prosecution of soldiers who have already once been tried either by court-martial or in Federal district court. From the answers that have been submitted by individual installations to questionnaire B, however, it would appear that the basis of this argument is more theoretical than actual. As has been several times pointed out, the answers to questionnaire B paint an almost uniform picture of good Federal-State relations wherever Federal installations are located. Although conflicts of this nature appeared to be an ever-present fear on the part of many installation commanders, not a single actual incident was reported to the Committee to illustrate that the problem was actual and not just theoretical. The Committee therefore is inclined to the view that this factor is of little significance in determining the type of legislative jurisdiction which the United States should accept over its properties.

C. PROBLEMS CONNECTED WITH EXCLUSIVE (AND CERTAIN PARTIAL) JURISDICTION

State service generally.—Probably the one fact that impressed the Committee most in the reports of the agencies favoring exclusive legislative jurisdiction, or partial legislative jurisdiction approaching exclusive, was that the installations in these jurisdictional statuses controlled by these agencies were very generally operated as though the United States had only concurrent legislative jurisdiction or only a proprietorial interest. Furthermore, the manner of their operation was incompatible with the exercise by the United States of exclusive

or partial legislative jurisdiction. Almost uniformly, notarizations were performed by notaries public under the commission of the State in which the installation was located; State coroners frequently investigated deaths occurring under unknown circumstances within such areas; and vital statistics (marriages, births, deaths) were recorded in State or county recording offices. In numerous instances local police and fire protection was furnished to and on the Federal installation. In very many instances residents of the enclave were to all intents and purposes regarded as citizens of the State so far as their civil and political rights were concerned. Thus, their children were accepted on an equal basis in local schools, they were given the right of suffrage, they were accorded access to State courts in such matters as probate, divorce and adoption of children, and they were treated as citizens of the State in obtaining hunting licenses and reduced tuition to State colleges and universities.

The extra—legal nature of many of the mentioned services and functions rendered by or under the authority of a State in an area under Federal jurisdiction is obvious. Such services and functions are requisite to the maintenance of a modern community. Although by article I, section 8, clause 17, of the Constitution, Congress is empowered to exercise “like” authority over such areas as it exercises over the District of Columbia, it has not done so. As to these areas Congress has not made (and as a practical matter probably could not attempt to make), provision for their municipal administration. The very general requirement within Federal installations for various services which ordinarily are furnished only by or under the authority of State or local governments appears to have made exceedingly rare the installation which actually operates within the legal confines of Federal exclusive jurisdiction. Such being the case, the Committee questions whether it is possible to maintain many installations in that status.

The Committee considers it important that various necessary services and functions rendered in Federal areas by or under the authority of States be put on a firm legal footing.

Fire protection.—Among the foremost of the functions and services provided under State authority to Federal installations is fire protection. Except for large, self-supporting installations and for installations located in remote areas, it would appear from the answers to questionnaire B submitted to the Committee that, in general, Federal installations within the States rely to some extent upon local, non-Federal fire-fighting services. This would appear to be true irrespective of the jurisdictional status of the Federal site. These services are secured through a variety of arrangements. For areas under the

exclusive jurisdiction of the United States arrangements have varied all the way from formal contracts with local agencies to mere assumptions on the part of the Federal manager that the local fire department will respond if called in an emergency. In cases where the Federal agency has its own fire-fighting equipment, the arrangement is generally reciprocal in that each party will respond to the call of the other in emergencies beyond the capabilities of either's individual capacity. Where the United States has exclusive or one of various forms of partial legislative jurisdiction the furnishing of these services by the State would appear to be strictly a matter of grace although the Comptroller General of the United States has ruled to the contrary. In the absence of express agreement by State or local authorities, there is no legal obligation whatever on the part of a non-Federal fire company to respond to a fire alarm originating within the Federal enclave, and questions of the applicability of compensation benefits to firemen in case of their injury when fighting a fire in a Federal enclave apparently may arise in some instances. In the cases of small, weakly staffed Federal installations the consequences of this incident of exclusive or partial legislative jurisdiction may be serious, indeed. Generally, however, with respect to areas over which the State exercises jurisdiction, while the furnishing of fire protection for federally owned buildings would still be a matter for the consideration of officials of State or local governments, the obligation would appear to be a concomitant of the powers exercised by those authorities within such areas (Comp. Gen. Dec. B-126228, of January 6, 1956).

Refuse and garbage collection and similar services.—Analogous to the problem of fire protection are problems connected with other types of services which in ordinary communities are generally furnished by local or State governments. Among these services are refuse and garbage collection, snow removal, sewage, public road maintenance and the like. Where the United States has exclusive jurisdiction and the installation is not self-sustaining in these respects, it would appear from the information furnished by individual installations that in most cases these items are handled on a contractual basis with some local governmental agency. As in the case of fire-fighting services, there is no obligation on the part of the contractor, apart from that under the contract, to continue furnishing such services where the United States has exclusive or certain partial jurisdiction. Should the local agency decline to continue them, there might result considerable inconvenience and expense to the Federal Government. On the other hand, should the local agency furnish them there would not arise, at least from the Federal point of view, the questions of legality,

with serious implications, which present themselves in connection with the furnishing of certain other services.

Law enforcement.—In the matter of law enforcement more difficult legal and practical questions are raised. From the reports received by the Committee it would appear that many agencies have encountered serious problems, which often have not been recognized, in this field in areas of exclusive or partial legislative jurisdiction. The problem is most acute in the enforcement of traffic regulations and "municipal ordinance type" regulations governing the conduct of civilians. Although specific authority exists for certain agencies (e. g., General Services Administration and the National Park Service of the Department of the Interior) to establish rules and regulations to govern the land areas under their management and to attach penalties for the breach of such rules and regulations, and authority also exists for these agencies to confer on certain of their personnel arrest powers in excess of those enjoyed by private citizens (General Services Administration only if the United States exercises exclusive or concurrent jurisdiction over the area involved), this authority has provided no panacea. Despite the fact that General Services Administration may extend its regulations to land under the management of other agencies and provide guard forces for such areas at the request of these agencies, for reasons which have already been discussed it has been impossible for all agencies of the Federal Government to avail themselves of the statutory provisions mentioned. As to civilians, therefore, Federal enforcement measures for traffic and similar regulations are limited often to such nonpenal actions as ejection of the offender from the Federal area, revocation of Federal driving or entrance permit, or discharge (if an employee).

Where serious crimes are committed in areas of exclusive Federal jurisdiction, generally the full services of the Federal Bureau of Investigation, the United States attorney, and the United States district court are available for the detection and prosecution of the offenders. On the other hand, in the case of misdemeanors or other less serious crimes, there is generally no adequate Federal machinery for bringing the offenders to justice. If there is a United States commissioner reasonably available, there is generally no official corresponding to a town constable or municipal policeman. Some Federal installations, judging by their replies to questionnaire B, have attempted to solve this problem by authorizing local or State police to enforce State or local traffic and parking regulations and municipal ordinances within Federal areas of exclusive or partial legislative jurisdiction. The possible consequences of such obviously extra-legal measures are a matter of serious concern to the Committee.

Another difficulty arising with respect to exclusive jurisdiction areas is determining which activities defined as crimes by State law are punishable under the Assimilative Crimes Act. The act, as has been said, does not apply to make Federal crimes based on State statutes which are contrary to Federal policy. However, difficulty often arises in determining whether a Federal policy operates to negate the adoption of a State statute under the Assimilative Crimes Act. Indeed, it is possible that individuals may risk punishment for conduct which they cannot be certain is in violation of law.

Notaries public and coroners.—From the reports submitted to the Committee in reply to questionnaire B it would appear that in many areas of exclusive or partial legislative jurisdiction the services of State licensed notaries public are utilized. In many cases it would appear that a Federal employee holds a commission as a State notary public and his services are utilized for all officially required notarizations. Although none of such notarizations appears to have been challenged, the possibility of challenge is ever present in view of the probable lack of jurisdiction of the State notary in an area of exclusive Federal jurisdiction and many areas of partial jurisdiction.

The question of the authority of a local coroner to make an official inquiry in cases of deaths arising under unknown circumstances has arisen on many occasions. The chief law officers of the various agencies have a number of times been called upon to rule on such questions. In those opinions the law officers have uniformly advised their agencies that coroners had no jurisdiction in areas over which the United States exercised exclusive jurisdiction. Nevertheless, the replies to questionnaire B indicate that it is a common practice at Federal installations when an unexplained death occurs to call in the local coroner. The practical need for the services of this official is obvious when it is considered that the Federal Government has no general substitute, that it would be impracticable for the Federal Government to furnish such services to its many small scattered or remote establishments, and that death certificates issued by a recognized authority are necessary for many purposes.

Personal rights and privileges generally.—One of the most unfortunate incidents of the exercise by the Federal Government of exclusive legislation over areas within the States is the denial to the residents thereof of many of the rights and privileges to which they would otherwise be entitled except for such residence. Since these disadvantages are unattended by certain tax advantages which flowed from such residence prior to the enactment of the Buck Act and similar statutes, exclusive jurisdiction is relatively bare of compensations to such residents.

Probably foremost in the minds of the persons concerned is the denial of the right of suffrage. However, other equally important rights and privileges are denied these residents. Among those mentioned by the various agencies are the right of children to attend local public schools; qualification for such State supported services as welfare aid, social service counseling, State sanatorium or mental institutional care, public library, etc.; qualification by domicile for access to civil courts in probate, divorce and adoption proceedings; and the right to be treated as "residents of the State" in such matters as hunting and fishing licenses, reduced tuition to State colleges and universities, and many other purposes.

It was surprising to the Committee, in reviewing the hundreds of replies to questionnaire B, that there was no uniform practice on the part of the three States (California, Kansas, and Virginia) from which the information required by these questionnaires was derived as to the denial of such rights and privileges. For example, in two Federal areas of exclusive jurisdiction within the same city, the residents of one were accorded the status of full citizens by State officials while the residents of the other were denied all rights thereof. Surprisingly, even in some cases when the Federal Government exercised no legislative jurisdiction whatever, the residents were denied certain privileges they should normally have been accorded as residents of the State. The Committee can only conjecture as to the reasons for such diversity of practice on the part of State officials. Among the factors which the Committee surmises might have an influence upon the State or local officials are (1) the size of the Federal installation and the number of residents thereof (this would determine, for instance, what the impact of participation by Federal residents in local elections would be); (2) the predominantly military or nonmilitary character of the residents and their identification with the community by long residence, unity of interest and concert of purpose; (3) the good or ill feeling existing between the Federal installation and the community at large; (4) whether the State has legislation specifically conferring political and civil rights on residents of Federal enclaves, although curiously, in California where such a statute is in effect and has been interpreted as retroactive insofar as the granting of civil and political rights is concerned, the practice is not uniform; and (5) the very general unawareness of local, State and Federal officials of the jurisdictional status of the lands and the incidents of such status.

Voting.—It is clearly settled that should the State choose to do so, it could deny the right to vote to residents of areas of exclusive Federal jurisdiction. A few States (among them California) have granted the right of suffrage to residents of such enclaves but such States

are the exception rather than the rule. According to reports received by the Committee there are more than 90,000 residents other than Armed Forces personnel on Federal areas within the States of Virginia, Kansas, and California alone, plus persons residing in 27,000 units of Federal housing. In view of the close connection that the right of suffrage bears to the traditions and heritage of the United States, the disenfranchisement or even the possibility of the disenfranchisement of such a large number of United States citizens is a cause for serious reflection.

Education.—The problem of education of children residing in areas of exclusive and partial Federal jurisdiction is a serious one and has been the cause of a multitude of controversies. That it can be reported that so far as is known to this Committee not a single child is being denied the right to a public school education because of his residence on a Federal enclave is in itself a commendation of the work of the Department of Health, Education, and Welfare and the Commissioner of Education.

It is obvious that the presence of large numbers of school-age children in Federal enclaves has a considerable impact on local school districts. This is particularly true in the remote, sparsely settled areas in which so many of our Army, Navy, and Air Force bases are located. In recognition of the Federal Government's responsibility to reduce the effects of this impact Congress has enacted certain statutes to provide financial aid to affected school districts, and in the last fiscal year nearly \$200 million were expended under these statutes. The act of September 30, 1950 (64 Stat. 1107), as amended (20 U. S. C. and Supp. 241), authorizes the Department of Health, Education, and Welfare to grant financial aid to localities for the operation and maintenance of their schools based on the impact which Federal activities have on the local educational agencies. Such aid usually takes the form of monetary grants to local school agencies in proportion to the increased burdens assumed by such agencies in accordance with certain formulas given in the act. If, however, State law prohibits expenditure of tax revenues for free public education of children who reside on Federal property or if it is the judgment of the Commissioner of Education that no local educational agency is able to provide free public education, he may make such other arrangements as are necessary to provide for the education of such children. The act of September 23, 1950 (54 Stat. 906), as amended (20 U. S. C. Supp. 300), provides for similar aid in school construction.

It may readily be perceived (and it has been so reported to the Committee) that the impact which Federal activities have on local educational agencies bears no direct relation to the jurisdictional

status of Federal property upon which the school children reside or upon which their parents may work or be stationed. The Department of Health, Education, and Welfare has pointed out, however, that the holding of many areas of land under exclusive Federal jurisdiction has served to intensify the problem of the Federal officials administering the program. This results from the various court holdings to the effect that there is no obligation on the part of a State to accept resident children from an area of exclusive Federal jurisdiction. While it appears that most school districts do accept such children, at least when accompanied by a grant of Federal aid, on occasion some have chosen not to accept them even under such terms. In these and other instances the school districts involved sometimes have insisted on financial arrangements more advantageous to themselves than those generally enjoyed by other districts similarly affected. This obviously results either in the Federal Government's being required to assume the entire responsibility for providing for the schooling of these children, or deprives more cooperative school districts of their fair share of the Federal funds available for education.

Assuming that the States accept as their obligation the education of resident children, children residing on federally owned or leased land not within the exclusive or certain partial legislative jurisdiction of the United States would appear to be entitled to the same educational opportunities as other children. Of course, so long as the act of September 30, 1950, as amended, *supra*, and the act of September 23, 1950, as amended, *supra*, remain in effect the State would be entitled to financial aid for the impact the presence of these children has on the local school agencies, but the fact that the Federal Government has recognized its obligation in this respect would appear not to diminish the obligation of the State. Assuming, then, that the State recognizes its obligation, the Federal Government could at least have the assurance that the education of the children was provided for without taking on the burdensome task of setting up a school system entirely apart from that of the State.

Miscellaneous rights and privileges.—With regard to other rights and privileges which are accorded private persons based on their residence within a State the Committee received a wealth of information. Because of the inconsistencies in the treatment of the residents by State and local officials in these matters, however, it was nearly impossible to draw any definite conclusions. In some localities residents of an area of exclusive Federal jurisdiction were accorded all the privileges they would have enjoyed had the Federal Government not divested the State of its jurisdiction. They were granted resident hunting and fishing license privileges, resident tuition rates at State-

supported educational institutions, admission to State-supported hospitals and sanatoriums, State or county visiting nurse service and the like. On the other hand, in other localities only a short distance away, persons in identical legal circumstances were denied some or all of these services.

One fact did impress itself on the Committee—that there was no uniform desire on the part of State officials to deny to residents of areas of exclusive or partial Federal jurisdiction the rights and privileges to which they would otherwise have been entitled if the State's jurisdiction over the area of their residence had not been ousted. Whether the granting of these rights and privileges is a conscious policy on the part of the States is not known to the Committee. Obviously, in the cases of States which have conferred civil and political rights on residents of Federal areas by statute (e. g., California), the policy has been consciously and deliberately evolved. In nearly all cases where this policy is followed, however, it would appear that it is done as a matter of grace, despite the fact that the retrocessions of certain tax benefits to the States by the Buck Act and similar Federal statutes may give rise to obligations in return for benefits conferred. To the extent that they are a matter of grace, they could be discontinued by the States at any time. The consequences of such discontinuance might be very serious to residents of these areas.

Benefits dependent on domicile.—It would appear doubtful to the Committee, however, whether a State could, despite its best intentions, bestow certain types of benefits upon the residents of areas of exclusive Federal jurisdiction. The Committee refers particularly to those benefits which depend upon domicile within a State. An example is the right to maintain an action for divorce. Since Congress has provided no law of divorce for areas of exclusive Federal jurisdiction the residents of such areas must resort to a State court for relief. Several States have enacted statutes conferring jurisdiction on their courts to entertain actions for divorce brought by persons who have resided in Federal enclaves within such States for designated fixed periods. The courts of a few other States have assumed jurisdiction in such cases without benefit of a similar statute. In neither case have such decrees been put to the test of collateral attack on the basis that they were rendered without jurisdiction. It therefore remains to be seen whether a resident of an area of exclusive Federal jurisdiction, by virtue of residence in such area alone, can become legally domiciled in the State in which the Federal installation is located. The problems involved in these cases are, of course, of equal significance in other situations in which domicile is the basis of a right or obligation.

D. SUMMARY AS TO EXCLUSIVE AND PARTIAL JURISDICTION

The foregoing discussion and analysis of the positions of those agencies adhering to the view that exclusive legislative jurisdiction or a quantum of Federal legislative jurisdiction closely approaching exclusive is desirable for their properties has run to a considerable length. Because the views are held by several major landholding agencies the Committee felt it particularly desirable to analyze these views with the utmost care and deference. In summary :

(1) The Army, Navy and Air Force, the Veterans' Administration, the National Park Service, the Bureau of the Census, and the Civil Aeronautics Administration desire exclusive or nearly exclusive legislative jurisdiction over all or part of their landholdings (the Air Force indicating that a concurrent legislative jurisdiction would be an acceptable substitute under certain circumstances).

(2) These views are based on a number of reasons. The most frequently mentioned of these are as follows (not all of the reasons being advanced by each agency) :

(a) Freedom of Federal manager from State interference in the performance of Federal functions. All agencies understand (though the answers to questionnaire B indicate that their subordinate installations do not in many cases) that the Federal Government enjoys a constitutional immunity from such interference by virtue of the supremacy clause. What they wish to avoid is unnecessary litigation to prove this constitutional immunity.

(b) Enhancement of security of installation.

(c) Freedom of Federal Government from burdens of application of State's police power to contractors, licensees, etc., operating within Federal enclave.

(d) Uniformity of administration.

(e) Psychological advantage to Federal manager in his dealings with State and local officials.

(f) Clarity of the authority of the Federal Government in the enforcement of criminal law and avoidance of conflicts with State authorities.

(g) Accrual of certain tax advantages to resident personnel.

(3) These views generally take into account that exclusive legislative jurisdiction and many forms of partial jurisdiction are attended by the following disadvantages :

(a) Occurrence of difficulties in the enforcement of traffic regulations and minor criminal laws or regulations against civilians.

(b) Unavailability of certain services ordinarily furnished by State or local governmental agencies.

(c) Loss by residents of the area of civil and political rights normally flowing from residence in a State.

(4) The Committee, in general, looks askance on Federal exclusive legislative jurisdiction and most forms of partial legislative jurisdiction for the reasons that:

(a) Certain of the reasons advanced by the agencies advocating this measure of jurisdiction are legally unsupported. Specifically, Federal operations may be carried on without any direct interference by States, and the security of Federal installations may be adequately safeguarded, without regard to the type of legislative jurisdiction; uniformity of administration may be had under a lesser form of jurisdiction.

(b) Other arguments advanced by the agencies appear not to be borne out in individual installation reports. Specifically, the reports uniformly reflect excellent State-Federal relations; fear of excessive litigation to establish immunity of Federal functions from State interference if exclusive jurisdiction is surrendered does not appear to be borne out; where concurrent jurisdiction exists, conflicts as to which sovereign will exercise criminal jurisdiction appear not to have developed to any significant degree; the psychological advantage claimed for this type of jurisdiction has not been illustrated.

The only apparent advantages to Federal exclusive legislative jurisdiction or partial jurisdiction approaching exclusive, on the facts made available to the Committee, are certain minor tax advantages to residents of the areas and freedom of the Federal Government from the indirect effects of the exercise by the State governments of their police powers against Federal contractors, concessionaires, licensees, etc. The latter of these would appear to be entitled to considerable weight in certain areas and under certain circumstances. However, even when it is combined with the former and the two are balanced against the disadvantages accruing to this type of jurisdiction, the scales seem to be tipped toward a lesser form of Federal legislative jurisdiction.

E. VIEWS OF AGENCIES PREFERRING CONCURRENT JURISDICTION

Agencies preferring such jurisdiction.—The views of the General Services Administration, the Department of Health, Education, and Welfare, the Department of the Navy, the Bureau of Prisons of the Department of Justice, and the Bureau of Public Roads of the Department of Commerce, which each desire a concurrent legislative jurisdiction status for certain of their installations, are based on various grounds. The Department of the Interior also, at an early point in the study, indicated concurrent jurisdiction desirable for certain areas for

which it subsequently recommended partial jurisdiction. The Veterans' Administration has suggested that it needs at least concurrent jurisdiction should a higher form of Federal jurisdiction be deemed by the Committee as unnecessary for properties under the supervision of that agency; the Committee's views in this respect have already been discussed in a previous section of this report.

Advantages and disadvantages.—Concurrent jurisdiction has to a considerable extent the advantages of both exclusive legislative jurisdiction and a proprietorial interest only, with few disadvantages.

To the advantage of the Federal Government is the fact that Federal power to legislate generally for the area exists. The chief interest of the Federal Government, in this connection, is that by virtue of the Assimilative Crimes Act (18 U. S. C. 13) a Federal criminal code, capable of Federal enforcement, exists for the area and insures that crimes committed within the Federal installation will not go unpunished in spite of disinterest on the part of State authorities which can occur in instances where only Federal personnel, and no State community or individual, are directly affected by a crime. For the residents of these areas of concurrent jurisdiction it is an advantage that the obligations of the State toward them are undisturbed by the superimposition of Federal on State jurisdiction, so that they receive under a concurrent jurisdiction all the benefits of residence in the State, notwithstanding that they reside on a federally owned area. For the State there exists the advantage that its jurisdiction over the area remains undisturbed except insofar as its operations may directly interfere with a Federal function conducted therein. The State's authority vis-a-vis the United States and persons on the area is in all practical respects the same as if the United States had no legislative jurisdiction whatever with respect to the area. It is because of the advantages inherent in these characteristics that concurrent legislative jurisdiction has been stated by several Federal agencies to be best suited for their needs in certain types of installations.

Such disadvantages as are peculiar to areas under concurrent legislative jurisdiction arise out of the fact that under this status two sovereigns, the Federal Government and a State, have the authority to exercise in the same area many of the same functions. This can result in situations where each of the sovereigns desires to perform the function; information received by the Committee would seem to indicate that more often it results in situations where each sovereign desires the other to act, with the occasional result that the function is not performed. So far as the Committee has been able to determine, however, no serious problems have developed out of this dual sovereignty.

General Services Administration.—This agency, which administers

an extremely large number of Government buildings, principally post offices and Federal office buildings, most of which now are in an exclusive jurisdiction status, in many cases finds requirement for furnishing special police protection to such buildings and to other areas also under its control. At the present time it is able to vest its guards with police powers only for exercise on areas under the exclusive or concurrent legislative jurisdiction of the United States. With the amendment of the pertinent statute (40 U. S. C. 318, et seq.), to permit the exercise of police powers without reference to the legislative jurisdiction of property under its control, the General Services Administration indicates, it would feel that all or substantially all of such property could be held under a proprietorial interest only. Properties not requiring special police services in any event, in the view of the Administration, would be best served under a proprietorial interest status. The Committee agrees with these views.

Department of Health, Education, and Welfare.—Most of the holdings of this Department, consisting largely of hospitals and similar installations, are now in an exclusive, or partial approaching exclusive, legislative jurisdictional status. On analyzing its requirements in the course of the present study the Department has come to the conclusion that, while a proprietorial interest only would be best suited for most of its properties, a concurrent jurisdiction status would be desirable for a small number of properties on which special problems of police control are involved. The Committee concurs.

Department of the Navy.—This Department feels that for its so-called minor installations concurrent legislative jurisdiction would best serve its needs. By minor installations the Navy apparently means those which are small and non-self-sustaining, and those which are primarily residential. The Navy, as to these installations, is apparently of the view that the attributes of a simple proprietorial status in many respects are best suited. However, because of the Department's desire to retain the availability of Federal law enforcement within even these areas, concurrent jurisdiction is desired in order to provide a Federal criminal code by virtue of the Assimilative Crimes Act (18 U. S. C. 13). Consequently, the Department feels that concurrent jurisdiction would be the minimum measure of Federal jurisdiction that would satisfy its needs.

The Committee fails to see any requirement for the retention by the Federal Government of general law enforcement authority in naval installations where the provision of such service is within the ability of State and local law-enforcement agencies. This will be particularly true if there are adopted recommendations proposed by the Committee that heads of Federal agencies be given authority to

promulgate and enforce rules and regulations for the Government of the Federal property under their control, without reference to the jurisdictional status of such property. It is to be noted that, in any event, existing Federal statutes designed for the protection of Government property and of defense installations are applicable to naval installations without reference to their jurisdictional status. Further, the Uniform Code of Military Justice similarly is applicable to offenses which may be committed by uniformed personnel.

From its study of the Navy's report the Committee reasons that for most properties administered by the Department a proprietorial interest would be most advantageous. Only as to the occasional naval installations removed from civilian centers of population which can furnish these installations adequate law-enforcement services does the Committee believe that concurrent jurisdiction would be required. In this regard, it is noted that to a large extent the Navy's properties are presently in a proprietorial interest status (approximately 40 percent of its acreage), as a result of the Navy's policy of acquiring Federal legislative jurisdiction only when the local commander makes a substantial request that the Department do so, and the Navy's report does not indicate that any serious or troublesome problems arise out of this status.

Bureau of Prisons.—This Bureau of the Department of Justice indicates that for its installations in which prisoners are maintained, a concurrent legislative jurisdictional status would be desirable. These installations presently have various jurisdictional statuses. It is pointed out as incongruous that a Federal prisoner who commits a crime beyond that which can be handled by administrative measures in a Federal prison institution should have to be tried in State courts, under State law, and be sentenced to a State penal institution, in the absence of at least concurrent criminal jurisdiction in the Federal Government over the institution where the crime was committed. On the other hand, the Bureau has no wish to deprive its guard force and other personnel and their families of the privilege of voting and other integration into the normal life of the communities in which its installations are located, as often occurs under a jurisdictional status greater than concurrent. The Committee is in agreement with the views of the Bureau of Prisons.

Bureau of Public Roads.—This Bureau of the Department of Commerce, while it considers only a proprietorial interest in the United States best suited to the great majority of the properties under its supervision, desires that the status of its equipment depot areas and of a certain laboratory and testing area be changed to concurrent legislative jurisdiction. At present certain of these properties are

under the exclusive jurisdiction of the United States while others are in a proprietorial interest only status. In the view of the Bureau, by giving to all these properties a concurrent jurisdictional status law enforcement as to trespasses and minor offenses would be made easier. Local police could be called in and, it is suggested, additionally the concurrent jurisdiction would empower the United States Park Police to act.

Since, except in the District of Columbia, the arrest powers of Park Police (and by implication their enforcement authority) are limited to violations "of the laws relating to the national forests and national parks" (16 U. S. C. 10), there would appear to be no authority for the Park Police to act in areas under the management of the Bureau of Public Roads, irrespective of their jurisdictional status. As this is the only basis given by the Bureau for acquisition of any form of legislative jurisdiction, it would appear that none is necessary.

The Committee feels that a proprietorial interest would be entirely sufficient for the needs of all the several properties of the Bureau of Public Roads.

Department of the Interior.—This Department recommends a proprietorial interest only as most desirable for the great bulk of the vast areas of Federal lands under its supervision. However, in its initial submission of information to the Committee, the Department indicated that concurrent legislative jurisdiction would most nearly suit the needs of its national parks, as to which the United States now holds exclusive or certain partial legislative jurisdiction, and of certain national monuments and perhaps wildlife areas which cover vast areas and are in comparatively isolated sections of their respective States, as to which the United States now generally holds a proprietorial interest only. This status, it was indicated, would allow effective enforcement of law and order and would insure the best protection of a number of interests, including control as may be necessary of the private inholdings which are within the boundaries of certain parks so that the inholdings do not change park characteristics. This type of jurisdiction would not adversely affect the rights of park, monument, or wildlife refuge residents so far as their relations with the States and State political subdivisions are concerned. More recently, however, the Department has modified its position, stating:

* * * the National Park Service is of the opinion that concurrent jurisdiction would not be practicable in the National Park Service areas for which it was suggested. While there is no disagreement that the States should have substantial authority in federally owned areas over matters outside the spheres of interest of the Federal Government, the Service believes that concurrent jurisdiction would result in continuous disagreements and litigation over what

State laws would interfere with Federal functions. It therefore believes that partial jurisdiction is, as a practical matter, required for the areas in question.

The Department is not prepared to disagree with the National Park Service at this juncture. Accordingly, the views expressed * * * [earlier] are modified to the extent stated.

It is not clear to the Committee in which spheres of the National Park Service's operations the widespread disagreements with State authorities are expected. If it is in the field of conservation or control of hunting or fishing, there would appear to be no doubt as to the ability of the United States to prevail in disputes where proper administration of the area requires Federal control. (See *Hunt v. United States*, 278 U. S. 96 (1928).) If it is with respect to the enforcement of criminal laws, the Committee notes that information from individual installations which are in concurrent jurisdiction status almost uniformly is to the effect that difficulties in this respect, to the limited extent they have occurred, have occurred not out of an eagerness on the part of both sovereigns to exercise jurisdiction, but from the lack of interest of both. The Committee is of the view that concurrent jurisdiction most nearly fits the needs of the United States for national parks and for national monuments located in remote areas. In some instances, the Committee recognizes, this jurisdictional status may be desirable for some wildlife refuges.

F. VIEWS OF AGENCIES DESIRING A PROPRIETORIAL INTEREST ONLY

Federal lands largely in proprietorial interest status.—The Committee notes that as to the great bulk of land owned by the United States, including substantially all lands of the so-called public domain, the Federal Government holds only a proprietorial interest, possessing with respect to such land no measure of legislative jurisdiction within the meaning of article I, section 8, clause 17, of the Constitution. The Committee further notes that the 23 landholding agencies of the Government except the General Services Administration, whatever their views concerning the jurisdictional status which their properties should have, presently hold a substantial proportion of such properties in a proprietorial interest status only.

Agencies preferring proprietorial interest.—A proprietorial interest status, without legislative jurisdiction in the United States, is deemed best suited for their properties by the Treasury Department, the Department of Justice other than for properties in which Federal prisoners are maintained, the Department of the Interior other than for national parks and certain national monuments, the Department of Agriculture, the General Services Administration for certain properties, the Department of Commerce for most of its properties, the

Department of Health, Education, and Welfare for most of its properties, the Atomic Energy Commission, the Central Intelligence Agency, the Federal Communications Commission, the Housing and Home Finance Agency, the International Boundary and Water Commission (United States and Mexico), the Tennessee Valley Authority other than for one property as to which judgment was reserved, and the United States Information Agency. It may be noted that the mentioned agencies control more than 90 percent of the land owned by the United States.

Characteristics of proprietary interest status.—When the United States acquires lands without acquiring over such lands legislative jurisdiction from the State in which they are located, in many respects the United States holds the lands as any other landholder in the State. However, the State cannot tax the Federal Government's interest in the lands or in any way interfere with the Federal Government in the carrying out of proper Federal functions upon the lands. The relation of the State with persons resident upon such Federal lands, with all its rights and corresponding obligations, is undisturbed. Both the civil and criminal laws of the State are fully applicable. Primarily because of these attributes the proprietary interest status has been named by most landholding Federal agencies as the most nearly ideal jurisdictional status.

Experience of Atomic Energy Commission.—Of the utmost significance to the Committee is that among the agencies preferring a proprietary interest only for their properties is the Atomic Energy Commission. The Committee has attached special significance to the views of the Atomic Energy Commission for a number of reasons. Among the more important is the fact that the birth of the Commission and its requirements for the occupation of land occurred after the amendment in 1940 of section 355 of the Revised Statutes of the United States had removed the statutory requirement that exclusive jurisdiction be obtained over Federal lands prior to the construction of improvements on such lands. Accordingly, the Commission had not built up any of the traditions concerning exclusive jurisdiction which seem to influence many of the other Federal landholding agencies. Additionally, like those of many naval and military reservations, the Commission's security requirements are exceedingly strict. And also similar to many military and naval reservations, some Atomic Energy Commission installations, because of their size and remote locations, have substantial populations residing within their confines.

The Atomic Energy Commission's practice and policy are to obtain no legislative jurisdiction over lands acquired by it. The only lands it holds in other than a proprietary status are those which it has

received by transfer from other Federal agencies. Indeed, as to two exclusive jurisdiction areas upon which communities are located, the difficulties encountered were sufficient to induce the Commission to sponsor legislation which allowed it to retrocede jurisdiction to the State. While the Atomic Energy Commission recognizes that concurrent jurisdiction has to some extent the advantages of both a proprietary interest and exclusive jurisdiction, that measure of jurisdiction has not been obtained for the reason that it provides no clear-cut line of responsibility between the fields of Federal and State authority thus, in the view of the Commission, opening the way for disputes and misunderstandings.

The Atomic Energy Commission established its policy of obtaining no legislative jurisdiction principally to (1) obtain the privileges of State citizenship for the residents of its areas; (2) allow organization of the communities into self-governing units under applicable State statutes; and (3) make State civil and criminal law applicable, making possible the utilization of established State courts for the enforcement of public and private rights and the deputization under State authority of Atomic Energy Commission employees for law enforcement.

The Atomic Energy Commission reports that its experience has indicated that these expected advantages have in fact resulted. A possible disadvantage, interference by the State with Atomic Energy Commission security requirements, has not materialized. The constitutional immunity of Federal functions from State interference has been recognized uniformly.

Experience of other agencies.—The Central Intelligence Agency has a proprietary interest only over its properties, and has found this satisfactory. Indeed, except for the Army, Navy, and Air Force, the National Park Service of the Department of the Interior, and the Veterans' Administration, the views of all Federal agencies which have had any substantial experience in the management of areas held in a proprietary interest only status parallel those of the Atomic Energy Commission. The preference of the agencies for a proprietary interest only is based, in general, on various disadvantages flowing from possession of legislative jurisdiction by the United States. Repetition of the views of these agencies would appear to serve little purpose. The advantages and disadvantages which they ascribe to this status have already been covered in detail in the analysis of exclusive, concurrent, and partial legislative jurisdiction which has preceded.

Summary as to proprietary interest status.—The Committee concludes, in concurrence with the agencies preferring a proprietary

interest only in the Federal Government over their properties, that for the vast bulk of Federal properties it is unnecessary for the Federal Government to have any measure of legislative jurisdiction in order to carry out its functions thereon. The Government is insulated from any attempted direct interference by State authority with the carrying out of such functions by the Federal immunities flowing from constitutional provisions other than article I, section 8, clause 17, particularly from article VI, clause 2, which provides in pertinent part:

This Constitution, and the laws of the United States which shall be made in Pursuance thereof; * * * shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Many Federal lands for which a proprietorial interest status only is acknowledged to be ideal are, however, held under some form of legislative jurisdiction. Since there exists no general authority for Federal agencies to retrocede unneeded jurisdiction to the States, appropriate legislation has been drafted by the Committee to make such retrocessions possible. The Committee also deems it desirable that uniform State legislation be enacted providing for the acceptance of such retroceded jurisdiction, so that no doubt will exist as to the precise status of the lands involved.

CHAPTER VIII

CONCLUSIONS AND RECOMMENDATIONS

General observations.—The thorough study which has been given to the exercise by the Federal Government of legislative jurisdiction under article I, section 8, clause 17, of the Constitution has, in the opinion of the Committee, been long overdue. In the early days of the Republic there may have been a requirement for the exercise of such power in areas within the States which were acquired to carry out the functions vested in the Federal Government by the Constitution. However, even this is in doubt, for, as has been pointed out, there was not a uniform practice with respect to the transfer of legislative authority from the States to the United States during the first 50 years after the adoption of the Constitution. In any event, the tremendous expansion of Federal functions and activities which has occurred in the recent history of the United States with a resultant increase in Federal land holdings, changed patterns in the use of Federal lands, development of new concepts of the rights and privileges of citizens, and many other factors, have drastically altered conditions affecting the desirability of Federal exercise of exclusive legislative jurisdiction over federally owned areas.

There is no question of the current requirement for a measure of legislative jurisdiction in the Federal Government over certain federally occupied areas in the States. Indeed, in various instances the Federal Government has insufficient jurisdiction over its installations, to the detriment of law and good order. On the other hand, no doubt can exist that in the present period the Federal Government has been acquiring and retaining too much legislative jurisdiction over too many areas as the result of the existence of laws and the persistence of practices which were founded on conditions of a century and more ago.

Careful analysis has been made by the Committee of the advantages and disadvantages to the Federal Government, to the States and local governmental entities, and to individuals, which arise out of the possession by the United States of varying degrees of legislative jurisdiction over its properties in the several States. It is clear that exclusive legislative jurisdiction on the one hand, and a proprietorial interest only on the other, each has certain but different advantages and

disadvantages for all parties involved. As the jurisdictional status of a property varies from one to the other of these two extremes of the legislative jurisdiction spectrum the advantages and disadvantages of each tend to fade out, and to be replaced by the advantages and disadvantages of the other.

Principal Committee conclusions.—The Committee's study has been persuasive to the conclusions that—

1. In the usual case there is an increasing preponderance of disadvantages over advantages as there increases the degree of legislative jurisdiction vested in the United States;

2. With respect to the large bulk of federally owned or operated real property in the several States and outside of the District of Columbia it is desirable that the Federal Government not receive, or retain, any measure whatever of legislative jurisdiction, but that it hold the installations and areas in a proprietorial interest status only, with legislature jurisdiction remaining in the several States;

3. It is desirable that in the usual case the Federal Government receive or retain concurrent legislative jurisdiction with respect to Federal installations and areas on which it is necessary that the Federal Government render law enforcement services of a character ordinarily rendered by a State or local government. These installations and areas consist of those which, because of their great size, large population, or remote location, or because of peculiar requirement based on their use, are beyond the capacity of the State or local government to service. The Committee suggests that even in some such instances the receipt or retention by the Federal Government of concurrent legislative jurisdiction can, and in such instances should, be avoided; and

4. In any instance where an agency may determine the existence of a requirement with respect to a particular installation or area of a legislative jurisdictional status with a measure of exclusivity of jurisdiction in the Federal Government, it would be desirable that the Federal Government in any event not receive or retain with respect to the installation or area any part of the State's jurisdiction with respect to taxation, marriage, divorce, annulment, adoption, commitment of the mentally incompetent, and descent and distribution of property, that the State have concurrent power on such installation or area to enforce the criminal law, that the State also have the power to execute on the installation or area any civil or criminal process, and that residents of such installation or area not be deprived of any civil or political rights.

Requirement for adjustments in jurisdictional status.—It is clear that the legislative jurisdictional status of many Federal installations

and areas is in need of major and immediate adjustment to bring about the more efficient management of the Federal operations carried out thereon, the furthering of sound Federal-State relations, the clarification of the rights of the persons residing in such areas and the legalization of many acts occurring on these installations and areas which are currently of an extra-legal nature. Many adjustments can be accomplished unilaterally by Federal officials within the framework of existing statutory and administrative authority by changing certain of their existing practices and policies. Others may be capable of accomplishment by cooperative action on the part of the appropriate Federal and State officials. In perhaps the majority of instances, however, there is neither Federal nor State statutory authority which would permit the adjustment of the jurisdictional status of Federal lands to the mutual satisfaction of the Federal and State authorities involved. For this reason the Committee recommends the enactment of certain statutes, both Federal and State, which would authorize the appropriate officials of these Governments to proceed apace in the adjustments clearly indicated.

The Committee also strongly feels that agencies of the Federal Government should do all that is possible immediately and in the future, under existing and developing law, to establish and maintain the jurisdictional status of their properties in conformity with the recommendations made in this report. The General Services Administration, in its regular inventorying of Federal real properties, should bring together information concerning the jurisdictional status of such properties in order to provide a general index of the progress made in adjusting their status. This will also provide a central source of information on the jurisdictional status of individual properties, such a central source being sorely needed, in the view of the Committee. The progress made by agencies in adjusting the jurisdictional status of their properties should be taken into account by the Bureau of the Budget in considering budget estimates and legislative proposals which are related to such status. It is the further view of the Committee that these two agencies, together with the Department of Justice, should maintain a continuing and concerted interest in the progress made by agencies in adjusting the status of their properties and should review such progress at appropriate intervals.

Retrocession of unnecessary Federal jurisdiction.—The most immediate need, in the view of the Committee, is to make provision for the retrocession of unnecessary jurisdiction to the States. A number of Federal agencies, as well as a significant proportion of the responding State attorneys general, have made recommendations

along this line. The Committee heartily concurs in these recommendations.

The Committee feels that this end could best be accomplished by amending section 355 of the Revised Statutes of the United States, as amended (40 U. S. C. 255; 33 U. S. C. 733; 34 U. S. C. 520; 50 U. S. C. 175) so as to give to the heads of Federal agencies and their designees the necessary authority to retrocede legislative jurisdiction to the States. An appropriate amendment would permit each Federal agency to adjust the amount of jurisdiction it retains to the actual needs of the installation concerned. It is hoped, in this regard, that the present report and the forthcoming textual study will give to Federal land management agencies a full appreciation of the many factors which they should consider in making their determinations of what measure of jurisdiction best suits a particular installation. The Committee therefore recommends that section 355 of the Revised Statutes, as amended, be further amended by adding a paragraph in the following language:

Notwithstanding any other provision of law, the head or other authorized officer of any department or agency of the United States may, in such cases and at such times as he may deem desirable, relinquish to the State in which any lands or interests therein under his jurisdiction, custody, or control are situated all, or such portion as he may deem desirable for relinquishment, of the jurisdiction theretofore acquired by the United States over such lands, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary. Relinquishment of jurisdiction under the authority of this act may be made by the filing with the Governor of the State in which the land may be situated a notice of such relinquishment or in such other manner as may be prescribed by the laws of such State, and shall take effect upon acceptance by the State, or, if there is in effect in the State a general statute of acceptance not specifying the means thereof, upon the day immediately following the date upon which such notice of relinquishment is filed.

Acceptance by States of relinquished jurisdiction.—It can be seen that for a relinquishment made under this proposed amendment to section 355, Revised Statutes, to be effective, there must be an acceptance by the State. The Committee feels such a provision is necessary as a matter of sound policy. It would inject some preciseness into an area which, as has been seen throughout the report, is replete with confusion and vagueness. By the use of the present provisions of section 355 of the Revised Statutes, together with the proposed addition, the proper Federal and State officials could, by the necessary exchange of instruments, fix precisely for any Federal installation or area the amount of legislative jurisdiction which would reside in each sovereign. No parcels of Federal property affected by any change of legislative jurisdictional status under the amended section 355 would be left dangling in an uncertain status.

At present, however, only a few States have statutory provisions which would authorize them to accept such tendered jurisdiction. The Committee therefore suggests the advisability of enactment by the States of uniform legislation in this respect. This proposed legislation might well take the form of the final section of a uniform State cession and acceptance statute which the Committee is prepared to recommend. The text of this proposed uniform statute will be set out in full text at a later point in this section of the report.

Rulemaking and enforcement authority.—An additional change in the Federal statutes which is, in the view of the Committee, of major importance is further to amend the act of June 1, 1948 (62 Stat. 281), as amended (40 U. S. C. 318, 318a, b, c). Under the present provisions of that statute the General Services Administration is authorized to make needful rules and regulations for the government of Federal property and to annex to these rules and regulations reasonable penalties. The General Services Administration is also given authority by the act to appoint its uniformed guards as special policemen for the preservation of law and order on Federal property under that agency's control, but the jurisdiction and policing powers of such special policemen are restricted to areas over which the United States has acquired exclusive or concurrent jurisdiction. Upon the application of the head of any other Federal agency the General Services Administration is authorized to extend to lands of such an agency, over which the United States has acquired exclusive or concurrent jurisdiction, the application of General Services Administration's rules and regulations and to detail special policemen for the protection of such property.

Because of the requirement of Federal legislative jurisdiction and other practical difficulties mentioned earlier in this report, many Federal agencies have found it impossible to make use of the authority granted in the act. In other instances the requirement that the lands concerned be under the exclusive or concurrent jurisdiction of the United States before General Service Administration rules and regulations can be extended to them has resulted in the undesirable practice on the part of some agencies of acquiring otherwise unneeded legislative jurisdiction over Federal lands. For these reasons the Committee recommends that the rulemaking authority presently granted to the General Services Administration by the mentioned act of June 1, 1948, as amended, be broadened to allow the head or other duly authorized officer of each Federal land-management agency to make needful rules and regulations for the management of the Federal property under the control of such agency.

The power to make and enforce the necessary rules and regulations for the management of Federal property does not depend, constitutionally, on the acquisition by the Federal Government of legislative jurisdiction. Indeed, several Federal agencies already enjoy authority in this respect without reference to the jurisdictional status of the lands concerned. The General Services Administration by section 2 of the act just discussed (40 U. S. C. 318a) and the Department of the Interior with respect to the national parks (16 U. S. C. 3) provide examples of this. Additionally, it may be noted that the authority which employees of the National Park Service and the Forest Service enjoy in the enforcement of rules and regulations for the protection of the national parks and national forests is similarly free from any dependence upon the jurisdictional status of the lands concerned. For this reason the Committee recommends the elimination of the requirement of section 1 of the act of June 1, 1948, as amended (40 U. S. C. 318), that the police jurisdiction of the General Services Administration special policemen be limited to areas under the concurrent or exclusive jurisdiction of the United States. It further recommends that the regulatory authority which it proposes be granted to all Federal land management agencies should not be made to depend on the acquisition of Federal jurisdiction over the lands concerned. Because of the confusion and other adverse effects which multiplication of Federal police forces well might have on law enforcement, however, the Committee does not propose the extension to any other Federal agencies of the authority presently granted to the General Services Administration by the act of June 1, 1948, as amended, to appoint uniformed guards as special policemen. The authority of such agencies to utilize the facilities and services of existing Federal law-enforcement agencies and, where appropriate, State or local agencies is, in the view of the Committee, ample to meet the needs of these agencies in that respect.

In summary, therefore, the Committee recommends that the act of June 1, 1948 (62 Stat. 281), as amended (40 U. S. C. 318-318c), be further amended as follows:

Section 1 (40 U. S. C. 318), amend all after "unlawful assemblies," to read as follows:

and to enforce any rules and regulations made and promulgated pursuant to this Act.

Section 2 (40 U. S. C. 318a), amend to read as follows:

The head of any department or agency of the United States or such other officers duly authorized by him are authorized to issue all needful rules and regulations for the government of the Federal property under their charge and control, and to annex to such rules and regulations such reasonable penalties, within the

limits prescribed in section 4 of this Act, as will insure their enforcement: *Provided*, That such rules and regulations shall be posted and kept posted in a conspicuous place on such Federal property. This authority shall not impair or affect any other authority existing in the head of any department or agency.

Section 3(40 U. S. C. 318b), amend to read as follows:

(1) The head of any department or agency of the United States and such officers duly authorized by him, whenever it is deemed economical and in the public interest, are authorized to utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, the facilities and services of such State or local law enforcement agencies, to enforce any regulations promulgated under the authority of section 2 of this Act.

(2) Upon the application of the head of any department or agency of the United States the Administrator of General Services and officials of the General Services Administration duly authorized by him are authorized to detail such special policemen as are necessary for the protection of the Federal property under the charge or control of such department or agency.

Section 4 (40 U. S. C. 318c), amend to insert "than" between "more" and "\$50."

Jurisdiction of United States commissioners.—The above-recommended broadening of the regulatory and enforcement authorities of Federal agencies with regard to the management of their properties would make necessary a corresponding enlargement of the jurisdiction of United States commissioners. The present jurisdiction of United States commissioners is delineated by section 3401 of title 18 of the United States Code, which provides that United States commissioners specially designated for that purpose by the court by which they were appointed have jurisdiction to try and sentence—

persons committing petty offenses in any place over which the Congress has exclusive power to legislate or over which the United States has concurrent jurisdiction.

In view of the Committee's recommendation that the regulatory authority of land management agencies of the United States be freed from the limitations of a legislative jurisdictional requirement, and in view, further, of the obvious fact that regulations issued under such authority must be capable of enforcement, a forum must be provided in which persons accused of violations of such regulations can be tried and, if convicted, sentenced. The Committee therefore recommends that subsection (a) of section 3401, title 18, United States Code, be amended to read as follows:

(a) Any United States commissioner specially designated for that purpose by the court by which he was appointed has jurisdiction to try and sentence persons committing petty offenses in any place over which the Congress has exclusive power to legislate or over which the United States has concurrent or partial jurisdiction, or which is under the charge and control of the United States, and within the judicial district for which such commissioner was appointed.

Miscellaneous Federal legislation.—The only further amendments to Federal statutes which the Committee feels are necessary at this time are the repeal of section 103 of title 4, United States Code, and of sections 4661 and 4662 of the Revised Statutes of the United States (33 U. S. C. 727, 728), with the substitution for the last-mentioned section of a new section in title 40 of the United States Code substantially as follows:

Any civil or criminal process, lawfully issued by competent authority of any State or political subdivision thereof, may be served and executed within any area under the exclusive, partial, or concurrent jurisdiction of the United States to the same extent and with the same effect as though such area were not subject to the jurisdiction of the United States.

The Committee recommends repeal of section 4661 for the reason that its provisions requiring a cession of jurisdiction over the sites of light-houses, beacons, public piers and landmarks as a condition precedent to the erection of such structures are inconsistent with section 355 of the Revised Statutes of the United States, as amended. The first sentence of section 4662 defines what type of jurisdiction is sufficient to meet the requirements of section 4661, and requires exclusive jurisdiction in the United States. Its repeal is recommended for this reason. The second sentence of section 4662 should be preserved, however, to insure the power of the several States to serve civil and criminal process within such sites already acquired under this act. The Committee recommends, however, that its application be broadened to all Federal lands and has therefore recommended that, as a codification matter, the new section be inserted in title 40.

The repeal of section 103 of title 4, United States Code, is recommended because the section is obsolete. The section gives to the President authority to procure the assent of the legislature of a State to the Federal purchase of land, so that the Federal Government shall acquire legislative jurisdiction over the property, where a purchase of land has been made without the prior consent of the State. Authority to acquire legislative jurisdiction over previously acquired property now is adequately provided by section 355 of the Revised Statutes of the United States, as amended.

State legislation.—As has already been pointed out, the Committee is of the opinion that additional legislation on the part of many States, and amendments of State constitutions in several instances, will be required to allow relinquishment of unneeded Federal legislative jurisdiction to them by the United States. Additionally, it is the Committee's view that further State legislative action is indicated with respect to uniformity in State cession and consent statutes.

The States of Montana, North Dakota, South Dakota, and Washington, as has been indicated earlier, have in their constitutions pro-

visions for the exercise of exclusive jurisdiction by the United States to which these States may wish to give attention.

Uniform State cession and acceptance statute.—The Committee's study also has revealed that considerable disparities exist among the various States in their legislation pertaining to the cession of legislative jurisdiction to the United States. Some of these differences have been pointed out in an earlier part of this report. In view of the fact that the Federal Government's power to legislate for ceded areas is dependent initially upon a grant of consent in this respect by the State concerned, it is obvious under these circumstances that unilateral action on the part of the Federal Government directed toward sounder policies and practices in this field could be only partially successful. It is for this reason that the Committee invites to the attention of the States the desirability of their enactment of a uniform State cession and acceptance statute along the following lines; optional matter, to provide conformity with existing State practices, is included in brackets:

SECTION 1. (a) Whenever the United States shall desire to acquire legislative jurisdiction over any lands within this State and shall make application for that purpose, the Governor is authorized to cede to the United States such measure of jurisdiction, not exceeding that requested by the United States, as he may deem proper over all or any part of the lands as to which a cession of legislative jurisdiction is requested, reserving to the State such concurrent or partial jurisdiction as he may deem proper.

(b) Said application on behalf of the United States shall state in particular the measure of jurisdiction desired and shall be accompanied by an accurate description of the lands over which such jurisdiction is desired and information as to which of such lands are then owned [or leased] by the United States.

(c) Said cession of jurisdiction shall become effective when it is accepted on behalf of the United States, which acceptance shall be indicated, in writing upon the instrument of cession, by an authorized official of the United States and [admitting it to record in the appropriate land records of the county in which such lands are situated] [filing with the Secretary of State].

SEC. 2. Notwithstanding any other provision of law, there are reserved over any lands as to which any legislative jurisdiction may be ceded to the United States pursuant to this act, the State's entire legislative jurisdiction with respect to taxation and that of each State agency, county, city, political subdivision, and public district of the State; the State's entire legislative jurisdiction with respect to marriage, divorce, annulment, adoption, commitment of the mentally incompetent, and descent and distribution of property; concurrent power to enforce the criminal law; and the power to execute any process, civil or criminal, issued under the authority of the State; nor shall any persons residing on such lands be deprived of any civil or political rights, including the right of suffrage, by reason of the cession of such jurisdiction to the United States.

SEC. 3. (a) Whenever the United States tenders to the State a relinquishment of all or part of the legislative jurisdiction theretofore acquired by it over lands within this State, the Governor is authorized to accept on behalf of the State the legislative jurisdiction so relinquished.

(b) The Governor shall indicate his acceptance of such relinquished legislative jurisdiction by a writing addressed to the head of the appropriate department or agency of the United States and such acceptance shall be effective when said writing is deposited in the United States mails.

The foregoing proposal, if enacted into law by the several States, when used in conjunction with the applicable Federal authority as it would exist after the enactment of the amendments recommended just previously, would permit cooperative action on the part of appropriate Federal and State officials for the resolution of most of the manifold problems of both the Federal and State Governments, and of the residents of Federal areas, by the existence of Federal legislative jurisdiction over so many lands within the States.

The proposed statute has been drawn in the form in which it appears above in order to meet a number of needs which came to the attention of the Committee in the course of its study. The following comments in respect to certain of its specific provisions are considered appropriate: (a) The authority to make the actual cession of jurisdiction and to determine the measure thereof which should be ceded are confided to the Governor in order to permit an adjustment of the amount of jurisdiction which is ceded to the needs of the particular lands involved; the need for such discretion in some State official has been apparent throughout the Committee's study; (b) the amount of jurisdiction which the Governor may cede is limited to not more than what has been asked for on behalf of the Federal Government for the reason that it is obviously to the advantage of the State, the United States, and the residents of the area, for the United States to acquire only the amount of jurisdiction sufficient to meet its needs; (c) provision is made for the cession of jurisdiction over lands not yet acquired by the United States to allow the continuance of the desirable practices followed by certain United States agencies of (1) determining in advance what jurisdiction is necessary for the purpose to which the lands are to be put and acquiring such lands only when such jurisdiction is obtainable, and (2) acquiring by a single cession from a State one type of jurisdiction over a large area eventually to become part of one Federal installation but for which the lands are to be acquired at different times or over a period of time; (d) provision is made for admission to record of all cessions of jurisdiction in order that the respective limits of State and Federal jurisdiction will be readily ascertainable; (e) by section 2 of the act certain irreducible minimums of authority are left in the States; as an examination of the provisions of this section will reveal, the taxing power of the State and that of its political subdivisions is in no wise reduced, nor is the power to enforce the criminal law; and care has been exercised to preserve the rights and privileges of the residents

of ceded areas; and (f) the necessary provisions for acceptance of relinquished jurisdiction, mentioned earlier, have been made.

Summary.—It is the belief of the Committee that the need for the Federal and State legislation which has recommended is demonstrated by its study and in this report. With the enactment of such legislation, and with the revision by Federal agencies of their policies and practices relating to the acquisition or retention of legislative jurisdiction so that they are in conformity with the recommendations made in the report, the Committee is confident that most of the problems presently arising out of this subject could be resolved, to the great benefit of the Federal Government, the States and local governmental entities, residents of Federal areas, and the many others who are affected.

APPENDIX A

SUMMARY OF FEDERAL LANDHOLDING AGENCIES' DATA RELATED TO JURISDICTION

The questionnaires addressed to each of the 23 landholding agencies of the Federal Government produced a tremendous mass of information; reports from the larger agencies exceeded a thousand pages each. The numbers and areas of properties reported by the agencies were verified by the Committee against data set out in the Inventory Report on Federal Real Property in the United States as of December 31, 1953 (S. Doc. No. 32, 84th Cong., 1st sess.), and any discrepancies which might affect the accuracy of this study were reconciled by the agencies involved. While a later inventory report is now available (S. Doc. No. 100, 84th Cong., 2d sess.), it was published after the questionnaires related to this study had been completed.

The information which each of the landholding agencies transmitted to the Committee concerning its properties, and the views indicated by each agency concerning the jurisdictional status its properties should have, are summarized below. References will be noted to questionnaire A, and questionnaire B; these relate, respectively, to the questionnaire addressed to each agency concerning its property in general, and to the similarly addressed questionnaire concerning individual properties of each agency in the States of Virginia, Kansas, and California, which were the States selected for sampling purposes. Questionnaire B elicited statistical facts concerning such matters as the number of nonmilitary residents and the number of children on each installation, and sought information on a number of other possible recurrent, day-to-day problems. These included such matters as access to local schools and other local governmental facilities, equality of privileges as compared with local residents, the maintenance of vital statistics, the availability of notarial services, the furnishing of police and fire protection, and garbage disposal.

The accuracy of some of the opinions expressed as to the relative advantages or disadvantages of the existing jurisdictional status should be measured against expressions on the matters by the Committee, since it must be recognized that the extent of knowledge as to what that status is, and the legal incidents relative thereto, varied with the correspondents.

DEPARTMENT OF THE TREASURY

Data from questionnaire A.—The three bureaus of the Treasury Department which supervise property outside of the District of Columbia have a total of approximately 1,219 installations, aggregating approximately 26,941.45 acres in area plus 674,266 square feet of office and storage space (Coast Guard: 1,049 installations aggregating 25,473 acres plus 144 installations (lifeboat stations) aggregating 977 acres; Customs: 20 installations aggregating 366.6 acres, and buildings totaling 43,444 square feet, of which 8,112 square feet are located on land either leased or occupied by permit; and Mint: 6 installations aggregating 124.85 acres plus 630,822 square feet of office and storage space).

The property throughout the United States occupied by the Bureau of Customs and the Bureau of the Mint is all held under a proprietorial interest only, while property of the United States Coast Guard is variously held under each of the several types of legislative jurisdictional status and under a proprietorial interest. The jurisdictional status of Coast Guard lands, to the extent that it is known, is indicated to be as follows:

Property	Total number	Area (acres)	Number of properties			Proprietorial
			Exclusive	Partial	Concurrent	
Academy.....	1	61	1			
Air detachment.....	4					
Air station.....	9	864	2			
Base.....	22	228	9			7 ¹
Depot.....	19	22	9			
Electronic engineering station.....	11					
Fog signal station.....	1	25	1			
Group office.....	4					
Lifeboat station.....	144	977	12	1		131
Light attendant station.....	53					
Light station.....	321	4,912	144		13	10
Loran transmitting station.....	10	283	3			
Moorings.....	12					
Radio beacon station.....	1					
Radio station.....	14	645	4			
Receiving center.....	1	430	1			
Supply center.....	1	67	1			
Supply depot.....	3					
Training station.....	1	429	1			
Yard.....	1	39	1			
Total.....	633	8,982	189	1	13	148

¹ Held in mixed status: Concurrent and proprietorial.

Since the jurisdictional status of many properties is unknown to the Coast Guard, it is impossible to determine the acreage held under each of the different types of jurisdiction.

Data from questionnaire B.—In the State of California the Treasury Department has a total of 21 installations comprising 1,113.95 acres and 95,164 square feet of building space. Of these properties 19 belonging to the Coast Guard, constituting a total of 1,111.19 acres,

are reported to be under the exclusive legislative jurisdiction of the United States (although it appears that some of these may be within the definition of "partial" jurisdiction adopted for the instant study, in view of the practice of this State of reserving certain powers in making cessions). One property belonging to the mint, consisting of 2.76 acres and 95,164 feet of building space, is held in a proprietary interest only status. The status of the additional property consisting of 7 acres held by the Coast Guard (Point Loma Light Station) is unreported. Despite the exclusive (or partial) nature of most of the California installations, vital statistics are maintained by State or local authorities and local coroners investigate deaths occurring on the premises under unknown circumstances. Residing on Coast Guard properties are 172 persons other than military personnel. Twenty-one of the thirty-eight installations in the 12th Coast Guard District report that their residents are denied equal access with State residents to State colleges. All persons are indicated as otherwise having equal access to State governmental facilities and equal privileges under the State. Sixty-nine children residing on these installations attend State schools; of these, forty are children of military personnel and twenty-nine are children of civilians. Resident children are in all cases granted access to State schools; however, in the majority of cases it was reported that Federal funds in the form of grants-in-aid were paid to the State.

The Treasury Department manages no property owned by the United States in the State of Kansas.

In the State of Virginia the Coast Guard is the only agency of the Department reporting management of realty, a total of 50 properties aggregating 1,388.398 acres, 1.03 rods, and 18 perches. Twenty-six properties and a portion of an additional property, aggregating 189.31 acres, are reported in an exclusive legislative jurisdictional status. Two properties and portions of two additional, aggregating 18.729 acres, are reported as having a partial legislative jurisdiction status. One property, consisting of 0.42 acre, is held in a concurrent legislative jurisdiction status. Fourteen properties and portions of four are held in a proprietary interest status. As to 3 properties and a portion of an additional property, records on jurisdictional status are unavailable; the area of only one such property (0.22 acre) is known. Vital statistics are not maintained on Coast Guard reservations. There is no known general rule which the coroners in the State of Virginia follow apropos investigation of deaths occurring under unknown circumstances. There are nine civilian personnel residing on Federal properties within the State. These persons are granted equal voting rights, equal access to existing governmental facilities, and

equal privileges. Three children of civilian personnel attend State schools on an equal basis with State residents.

Agency views.—The Bureau of Customs and the Bureau of the Mint have experienced no difficulties in operating under a mere proprietorial interest and see no need for Federal legislative jurisdiction over their properties. While the Coast Guard likewise indicated no significant problems with any type of jurisdiction it initially stated an opinion that exclusive or concurrent legislative jurisdiction was best suited to its properties. This opinion was subsequently revised, and the Coast Guard has informally indicated to the Committee that a proprietorial interest only would suit its properties. Consequently, all Treasury agencies owning property consider a proprietorial-interest-only status satisfactory for their properties.

DEPARTMENT OF DEFENSE

- a. Department of the Army.
- b. Department of the Navy.
- c. Department of the Air Force.

a. Department of the Army

Data from questionnaire A.—The number of properties owned by the United States and occupied, operated, or supervised by the Department of the Army is indicated to approximate 1,330. Of this number approximately 574 pertain to military installations and 756 to river and harbor improvements and flood-control projects. The Army reports that it does not have readily available information as to specific categories, acreage and type of jurisdiction in regard to river and harbor improvements and flood control. However, it has been the policy of the Army not to request jurisdiction over such properties, and generally, they are held in a simple proprietorial interest. In regard to military properties, the categories, jurisdictional status, number and acreage are listed as set forth in the following table. It may be noted therefrom that while many of Army's properties are held in an exclusive legislative jurisdiction status (41 percent by number and 20 percent by acreage), similarly large quantities of its properties, of all categories, are held in a proprietorial interest only (30 percent by number and 46 percent by acreage), and considerable quantities in a partial or concurrent legislative jurisdictional status:

General category of property	Exclusive		Concurrent		Partial		Proprietorial		Undetermined		Mixed, number	Total	
	Num-ber	Acreage	Num-ber	Acreage	Num-ber	Acreage	Num-ber	Acreage	Num-ber	Acreage		Num-ber	Acreage
Military training facilities (posts, camps, forts).....	21	1, 077, 906	2	143, 977	10	754, 809	14	1, 232, 811	3	805, 100	21	71	4, 014, 608
Headquarters and administrative facilities.....	10	14, 685	1	1, 141	1	71	7	8, 290	1	29	5	26	24, 225
Schools (exclusive of schools at training installations).....	2	4, 366	---	---	2	9, 646	---	11, 396	---	---	2	6	26, 408
Hospitals (exclusive of local hospitals on installations).....	5	1, 265	---	---	1	181	---	92	---	---	2	12	1, 068
Depots, maintenance, and repair facilities.....	32	305, 399	3	4, 796	12	82, 725	19	72, 005	3	2, 853	16	85	467, 778
Ports and harbors.....	6	906	---	28	1	2, 313	2	2, 160	---	---	3	12	6, 407
Defense facilities (tactical, Nike, antiaircraft artillery, etc.).....	8	4, 478	---	---	---	---	6	741	1	1, 641	4	19	6, 760
Testing and proving grounds (research and development).....	7	60, 441	---	12	1	55, 264	7	1, 879, 513	---	---	5	20	1, 906, 200
Communication, motion-picture, and TV facilities.....	2	1, 220	1	69	---	---	5	2, 318	2	1, 142	2	12	4, 769
Industrial facilities (arsenals, plants, etc.).....	26	176, 104	3	925	13	108, 589	20	27, 836	1	25, 405	8	71	236, 569
USAR and National Guard facilities.....	40	42, 075	1	340	---	3, 900	66	56, 353	8	21, 215	3	118	123, 969
Recreation and rest camp facilities.....	1	2	---	---	---	---	10	609	---	---	---	11	25
Canteen, monuments, parks, and historical sites.....	76	2, 324	1	83	---	---	13	609	3	1	12	109	3, 293
Prisons and disciplinary barracks.....	---	370	---	---	4	12, 005	1	3, 181	---	---	1	3	16, 165
Total.....	236	1, 691, 551	12	151, 307	46	1, 030, 489	173	3, 297, 367	23	857, 406	64	574	7, 026, 120

*Data from questionnaire B.*¹—The acreage and jurisdictional status of properties held by the Department of the Army in Virginia, Kansas, and California are reported as follows:

	Total	Kansas	Virginia	California
Exclusive.....	67,695	9,563	34,888	23,244
Partial.....	92,875	74,327	122,614	18,548
Concurrent.....	122,614		1,909	
Proprietary.....	1,010,026			1,008,117
Total.....	1,293,210	83,890	159,411	1,049,909
Less arithmetical errors.....	—893		—893	
Total.....	1,292,317	83,890	158,518	1,049,909

The designation of jurisdictional status supplied by the various reporting installations was used in every instance except that of Fort Leavenworth, which was changed by the Committee from a reported exclusive jurisdiction to a partial legislative jurisdiction on the basis of precise information on this installation.

A general satisfaction of installation commanders with the jurisdictional status of installations held under exclusive (or partial approaching exclusive) Federal jurisdiction was reported. This general satisfaction extended, but in a markedly lesser degree, to all installations whatever their jurisdictional status. For industrial type installations there was indicated a decided preference for a proprietary interest status. With respect to other types of installations, in a number of instances where there was only a proprietary interest it was suggested that a greater degree of jurisdiction be obtained by the United States, but generally no problems were indicated as arising out of the existing status. On the contrary, several advantages were variously cited as arising from such a status. The reasons given by the Army and by local commanders for retaining or obtaining exclusive legislative jurisdiction are mainly related to military control and security, and freedom of both bases and personnel from local interference and regulation. It appears, however, that no serious problems with respect to these matters are reported in the cases of the many Army installations which are under less than exclusive jurisdiction. In many cases where an exclusive jurisdiction status was urged for a proprietary interest area it was nevertheless acknowledged that State and local authorities in fact have a "hands off" attitude with respect to Army operation of military establishments, and that no actual conflicts exist. In only one instance in which such a change was desired, where the installation is located in part on exclusive-

¹ These questionnaires were sent only to military installations. For the reasons set forth above in relation to questionnaire A, reliable information is difficult to obtain concerning the areas in the three selected States devoted to the civil functions of the Army.

jurisdiction land and in part on proprietary-interest-only land, which are all administered uniformly, was there a definite indication of conflict, the degree of which was not stated. In other such cases, it was indicated, the Army post commander's fear of State or local interference was based on a "theoretical analysis" of possibilities, or on suppositions not based on actual experience. In still other cases the Army commander had an erroneous impression that an exclusive-jurisdiction status, as distinguished from a proprietary-interest-only status, permitted him to exercise more control over civilians, including their arrest and final disposition of charges against them.

Where premises had differing legislative jurisdictional statuses, they were nonetheless administered in the same manner in all cases except one. In no instance were any problems reported as arising out of the differing statuses.

The number of residents other than armed forces personnel on Army premises in Virginia, Kansas, and California is approximately 20,991. On six installations there residents were denied an equal right with State residents to vote. On two of the installations at which residents are denied equal voting rights, Camp Cooke, Calif., and Branch United States Disciplinary Barracks, Lompoc, Calif., they are also reported to be denied access to State colleges without payment of a nonresident tuition fee, although these installations are reported as held under a proprietary interest only. A denial of equal facilities was cited on four installations. Equal privileges were reported as denied in seven instances.

Resident children attending school were reported as follows: Children of Armed Forces personnel, 7,323; others, 1,416; total school children, 8,739. Seven installations reported that these children were not accepted in State schools on an equal basis with State residents. In six of these cases, State schools were the recipients of Federal grants-in-aid; in the other instance, a separate school maintained on the base was supported jointly by State and Federal sources.

Vital statistics are maintained in most instances by local authorities, regardless of the jurisdictional status of the property. However, 2 installations reported such statistics were not maintained; 9 installations reported that these statistics were maintained by the Federal Government.

Eighteen installations reported that a local coroner did not investigate deaths occurring on the premises; investigations were performed by the local coroner on 41 installations. For the most part factors other than jurisdictional status of an installation determine whether or not a local coroner will conduct investigations.

Services of a notary public were available on the premises in 33 of the 68 reporting installations. In those cases where notaries were not on the premises, they were located in areas ranging from immediately adjacent to the premises to 10 miles away.

Thirty installations reported a necessity for the services of a United States commissioner. Distances to the nearest commissioner ranged from one on base to 65 miles, with an average distance of about 17 miles.

Services of local police were reported as needed and rendered in 10 instances. In a number of instances local police would appear to operate on exclusive jurisdiction areas. Such services were not needed in 57 cases. The Sierra Ordnance Depot, Calif., reports a past history of inability to obtain local police protection despite the fact that the interest of the Federal Government in the property was only proprietary. Upon the activation of the depot in 1942 local police authorities declined to assume jurisdiction over law violations on the depot on the ground that the status of a military reservation precluded the assumption of jurisdiction. In order to have some law enforcement, a United States commissioner was appointed to try violations of California law under the Assimilative Crimes Act. The authority of the commissioner was challenged on several occasions. Not until 1955 was it possible for the Army to obtain partial jurisdiction over the area (which contained leased land) in order to clear the confused situation.

Fire protection was furnished by the Federal Government in 23 cases, local government in 9 cases, and reciprocally in 34 cases. The source of fire protection appeared in most instances to be more contingent upon factors such as the size and manpower of the installation, and the proximity and resources of the local community, than upon the legislative jurisdictional status of the properties involved.

The Army makes a special reference to the area occupied by the Pentagon. Since it appears that there is some uncertainty as to whether the United States is vested with exclusive or only concurrent jurisdiction over that part of the Pentagon and outside facilities as are located on land lying between the boundary line established between the District of Columbia and the Commonwealth of Virginia by the act of October 13, 1945 (59 Stat. 552), and the high-water mark as it existed on January 24, 1791, the question arises whether to seek a cession of exclusive jurisdiction over the area from the Commonwealth of Virginia or whether to retrocede concurrent jurisdiction over the area now under exclusive jurisdiction, since consistency in the status of both areas is desirable.

Agency views.—The policy of the Department of the Army with respect to the acquisition of legislative jurisdiction has been for the Chief of Engineers to make ad hoc decisions on a request for the procurement of jurisdiction made by the using service. Where such decision is in favor of jurisdiction, the Corps of Engineers procures the maximum jurisdiction which the State will grant.

The Department of the Army indicates the desirability of providing authority to the Secretary of the Army for the adjustment of the existing jurisdictional status of Army properties, but opposes any action on the basis of the instant study which would divest the United States of any jurisdiction over military properties which it now has.

b. Department of the Navy

Data from questionnaire A.—The Department of the Navy has a substantial inventory of real property (614 installations, comprising 3,417,174 acres), which property is predominantly held only in a proprietorial interest status, but a large number of installations are held under the exclusive legislative jurisdiction of the United States, and lesser numbers in a partial or concurrent jurisdictional status. The properties fall into 27 categories based on use—naval bases, depots, shipyards, industrial reserve facilities, ordnance plants, hospitals, radio stations, civilian and military housing, detention barracks, etc.; all but 1 of such categories include 1 or more exclusive jurisdiction installations, all but 3 minor categories of properties, which are used by the Marine Corps, include proprietorial interest only installations, all but 12 include concurrent jurisdiction installations, and all but 14 include partial jurisdiction installations. The numbers and total approximate areas of properties reported to be under the several types of jurisdiction are indicated in the following table:

Jurisdiction	Number	Acreage	Square Feet
Exclusive.....	266	1,085,698	87,000
Concurrent.....	35	214,821	.....
Partial.....	34	153,085	.....
Proprietorial.....	408	1,646,491	.....
Total.....	1 743	3,100,095	87,000

¹ The discrepancy in the number of parcels occurs from the fact that several parcels enjoy varying types of legislative jurisdiction.

² The Navy advises, on the basis of data full details of which were not furnished to the Committee, that this figure should be revised to 3,417,174 acres.

Data from questionnaire B.—The approximate number and acreage of the sites reported in the three States under specific consideration (Virginia, Kansas, and California) are as follows:

ACRES UNDER FEDERAL JURISDICTION

State	Number	Total Area	Exclusive	Concurrent	Partial	Proprietorial
Texas	2	128,174	4,832	2,465		73,150
Illinois	2	2,100				20,000
Kansas	2		4,100			
California	17	1,127,419	184,274	32	126,405	2,114,028
		1,257,693	213,206	2,497	126,405	2,187,178
Total	13	1,257,693	213,206	2,497	126,405	2,187,178
						20,000

1. Installation had 3-acre acre.
 2. Square feet.
 3. Various installations having 1,000 square feet in 1934 in Post Office buildings. The jurisdictional status of this area will be reported by GSA and the Post Office Department.
 4. The total acreage given was 1,000 acres less than reported in the jurisdictional breakdown.
 5. Acres land in private possession.
 6. Various installations having 1,000 square feet in Army, Navy, Post Office, and GSA buildings.
 7. The Navy advised, in the course of this decade of which were not furnished to the Committee, that this figure should be revised in following manner.

In a few reports it was suggested that jurisdiction over housing, particularly housing entirely for civilians, be retroceded to the States, and that the Federal Government maintain a proprietorial interest only. With only one exception all installations reported satisfaction with the housing units under their command which were held in a proprietorial interest. Local police, fire, etc., services, as well as rights of the residents such as voting, were the reasons given for the desirability of a proprietorial status for these housing units.

On the other hand, reports from local installations showed a general desire for more than proprietorial interest with respect to lands used for activities other than housing. Affirmative answers were received in almost all instances where the type of jurisdiction was the greatest obtainable under State law. Reports from 38 installations expressed the opinion that the present jurisdictional status of the installations was not the most suitable, in almost every such instance desiring the greatest amount of jurisdiction available to the Federal Government under the laws of the particular State. The reason most often assigned was that superior military security and control were possible under superior legislative jurisdictional status. It will be noted that the Navy Department itself does not concur in this theory. Despite the many recommendations for an upgrading in jurisdiction with respect to installations holding less than exclusive jurisdiction, few problems with local officials or disadvantages attributable to the existing status of the installations were reported. Most reports stressed the spirit of cooperation and harmony existing between the command and local authorities, local officials very generally have adopted a "hands-off" attitude with respect to naval properties, whatever the legislative jurisdiction status of such properties, rendering

only such service and assuming only such authority as are welcomed by the naval commanders. This is demonstrated by the fact that in almost all installations based on areas of land under two or more types of jurisdiction there is no distinction made on the basis of jurisdiction in the administration of the several areas comprising the installation.

Approximately 37,595 residents were reported living on 52 installations. The figures ranged from 1 resident to 9,349. From the reports given it is not possible accurately to determine what proportion of such residents reside on lands under each of the varying types of jurisdiction.

The reports indicate that residents of 45 of the installations are allowed to vote in the State and that the right to vote has been denied to residents of 10 installations. All of the negative responses came from installations where the civilians resided on land under exclusive Federal jurisdiction. In many other instances, however, persons on such land were allowed to vote. Discrepancies were rampant between various installations in the State and even between various installations within a single city.

There are 16,133 schoolchildren residing on naval lands in the 3 sample States. Of these, 13,684 are children of persons in the naval service and 2,449 are those of civilians. It is not possible from information made available to break down the number of schoolchildren by the legislative jurisdiction of the land on which they reside.

Resident children on 58 installations were reported as being accepted in State schools on an equal basis with State residents, whereas the children living on 14 installations were denied this privilege. In all the cases in which a negative response was received either the local school district was receiving Federal grants-in-aid, or the installation was providing transportation to the school for the Federal children. In no reported instances were the children denied schooling. If formerly there were problems in this area, it would seem that, at least for the present, the Federal aid system has alleviated them almost entirely.

Equal use of facilities and equal privileges were accorded to residents of Federal enclaves almost without fail regardless of the jurisdiction over the land upon which they resided. Access to courts of divorce, adoption courts, mental institutions, and other incidents of State residency were reported denied in a few instances, but there nowhere appeared to be an overall State policy present, the results differing from locality to locality within the individual State and, indeed, differing at the same locality with respect to different facilities and privileges. (The Naval Auxiliary Air Station at El Centro, Calif., under exclusive jurisdiction, reported that access is allowed

to juvenile courts, divorce courts, adoption courts. On the other hand, residents are denied the right to serve as executors or administrators of local estates, as well as the right of probate within the State, and are refused the services of visiting nurses and access to State hospitals for the mentally ill. Such residents are allowed to vote.) There were no reported cases of denial of equal privileges, in fact some installations reported better-than-equal privileges, such as exception from hunting-license laws.

In a substantial majority of the cases, vital statistics concerning civilians are taken and maintained by local authorities regardless of status of jurisdiction. Likewise the coroner investigates deaths of civilians. In most installations under exclusive jurisdiction and in some under other statuses, deaths of members of the naval service are investigated by Federal authorities. In several instances, however, it was reported that the local coroner was requested to investigate. Some two or three stations reported that naval authorities attached to the station had been deputized as coroners by local authorities and all investigations on the installation were conducted by such deputies.

The availability of notarial services was reported affirmatively in 41 instances, negatively in 62. Where no notary was on the post, such services were usually available within a short distance. Frequently these services were performed on land under exclusive Federal jurisdiction.

The services of a United States Commissioner were not required in 80 reporting cases, were required in 22. While many of the installations reporting no need were held under proprietorial interest only, many others in a different status relied upon local police or military regulations, and reported a need for a United States Commissioner rarely if at all.

Thirty installations reported a need for local police services, and in all except one case such services were available. Local police were usually utilized to render general police service in connection with naval housing, although other instances of their use, such as in connection with theft investigation and traffic control, were cited. Usually, but not always, the local police were not acting on land under exclusive jurisdiction. One installation reported that its housing development, on exclusive jurisdiction land, was patrolled by local police under an agreement whereby the lessee company of the housing project made a payment in lieu of taxes to the local municipality; in other instances local police took action, as a matter of accommodating naval authorities, with respect to arrest of individuals for law violations occurring on other types of exclusive jurisdiction installations.

One station, holding 507 acres exclusive and 10 acres proprietorial, reported that station police only apprehended and held civilians until they were turned over to local police at the gate for formal charge, arrest, and prosecution. Presumably no attempt was made to determine the jurisdictional status of the land upon which the purported crime was committed. Sixty-eight installations reported no need for local police services. While most of these were located on exclusive jurisdiction land, several were not, but relied upon military policing. The local police appear to have almost completely respected the desires of installation commanders concerning the rendering of their services on military land.

Whether or not local fire protection was rendered does not appear to depend entirely upon the status of the land in question, but rather upon other factors such as size and character of the installation, proximity to local fire-fighting facilities, adequacy of local facilities, etc. The breakdown was as follows: Federal only, 34; local only, 19; reciprocal, 48. While a few of the reciprocal agreements were written, the great majority of them were informal oral agreements, in consonance with the often-cited harmony and cooperation between local and Federal officials.

Agency views.—The policy of the Department of the Navy with regard to the acquisition of legislative jurisdiction has been to acquire no legislative jurisdiction unless the local commander makes a request for the acquisition of jurisdiction setting out his reasons therefor. If the Department determines on the basis of this request that Federal legislative jurisdiction is necessary or desirable, the Department procures the maximum jurisdiction permitted by general State cession statutes.

In view of the opinion of the Department of the Navy that the jurisdictional status of the site of an installation is immaterial insofar as any effect it may have upon the security and military control over the property and personnel of a command are concerned, it bases its view of the desirability of a particular type of jurisdiction in a general way upon the the size and self-sufficiency of the installation. For large, self-sufficient bases exclusive (or partial approaching exclusive) jurisdiction is felt desirable. For small, non-self-sufficient installations concurrent jurisdiction (or proprietorial interest only as a second choice) is desirable. In all cases the determination would have to be made by an analysis of the problems of the particular installation and a weighing of the advantages and disadvantages of the various jurisdictional statuses, with housing areas being considered separately in arriving at the final decision.

c. Department of the Air Force

Data from questionnaire A.—The Department of the Air Force reports that it holds within the United States 189 primary installations comprising 6,327,498 acres. Minor installations were not included in the report. Of the 6,327,498 acres reported, 371,100 acres are held under exclusive jurisdiction; 10,895 acres under concurrent jurisdiction; 201,018 acres under partial jurisdiction; and 5,744,485 acres under a proprietorial interest. It is to be noted that over 90 percent of the acreage reported is held under a proprietorial interest only. The following table illustrates the current status of Air Force properties broken down by use and juridictional status:

Type of Installation	Number of Installations	Total acreage	Exclusive	Concurrent	Partial	Proprietorial
Active Air Force bases.....	144	¹ 1,369,084	221,626	10,895	196,118	940,445
Depots.....	12	7,513	523	-----	2,348	4,642
Aircraft control and warning sites.....	13	1,412	513	-----	-----	899
Bombing and for gunnery ranges.....	20	4,949,489	148,438	-----	2,552	4,798,499
Total.....	189	6,327,498	371,100	10,895	201,018	5,744,485

¹ Main base acreage. Does not include off base facilities such as outer marker sites, radio transmitter and receiver sites, etc.

Data from questionnaire B.—The acreages and jurisdictional status of properties held by the Department of the Air Force in the three States of Virginia, Kansas, and California are reported as follows:

	Total	Kansas	Virginia	California
Exclusive.....	100,952	180	-----	100,792
Partial.....	205,796	40,371	-----	165,425
Concurrent.....	9,003	-----	9,003	-----
Proprietorial.....	155,304	-----	-----	155,304
Total.....	471,055	40,531	9,003	421,521
Plus arithmetical errors.....	¹ 308	-----	-----	¹ 308
Total.....	471,363	40,531	9,003	421,829

¹ March Air Force Base, Calif., showed a 308-acre error in its compilation.

The jurisdictional preference of the reporting installations is almost uniformly for exclusive Federal jurisdiction or for the highest degree of Federal jurisdiction obtainable under the applicable State statutes. With regularity, the reason assigned for the desirability of exclusive jurisdiction was based upon the security of and military control over the installation. Other reasons assigned were the non-applicability of State liquor regulation, noninterference with the operation of post exchanges and similar Federal instrumentalities, Federal criminal enforcement, nontaxation of leasehold interests in

Wherry housing, and the impression that exclusive jurisdiction would perfect the installation's rights as a riparian landholder.

The various installations report 10,692 residents, of which 1,754 are in Virginia, 12 in Kansas and 8,926 in California. Apparently the dependents of Armed Forces personnel were not included in the total for Kansas since the answer to another question indicates a total of 758 children residing in Kansas.

Residents of these areas are generally accorded all the rights of residents of the State, with a few exceptions. Residents are not granted a right to vote at McConnell Air Force Base, Kans., and Beale Air Force Base, Calif. They are denied equal use of facilities at Topeka Air Force Base, Kans., and at Beale in California. All of these installations are held under exclusive or partial Federal legislative jurisdiction. Since California now grants complete political rights to residents of Federal areas within its borders, it appears that some error has been made by local officials in regard to the rights of residents at Beale Air Force Base.

Seven thousand one hundred and fifty-three children reside on Air Force installations within the three States. Children of military personnel in Virginia number 916, in Kansas 758, and in California 5,200. In addition, 279 children of civilians reside on Federal areas within California. All of the children are enabled to receive public education, with no reported difficulties. In many instances, however, the local school districts receive Federal grants-in-aid.

Notaries public were reported as available on base in 13 instances; on 7 bases notaries were not present. Where a notary was not situated on the installation, the distance to the nearest notary varied from one to 27 miles, the average distance being 8.5 miles.

The services of a United States commissioner are required in eight instances. The distance to the nearest commissioner varies from 1 on base to 55 miles distant. The average distance to the nearest United States commissioner is approximately 23 miles. Fifteen installations reported that they had no requirement for the services of a United States commissioner.

The services of local police were required and rendered in eight instances. In two of these cases, the main function of local police was in traffic regulation. Six of the installations which reported the receiving of local police services are held under exclusive or partial Federal jurisdiction; the remaining two bases are held under concurrent jurisdiction. Fourteen installations reported no requirement for the services of local police.

Fire protection was rendered by Federal sources in 16 cases, locally in 2, and reciprocally in 5. Factors other than the jurisdictional status of the lands involved appear to determine the source of fire protection.

Agency views.—The policy of the Department of the Air Force with respect to the acquisition of legislative jurisdiction has been to acquire exclusive jurisdiction as a matter of course over all permanent installations wherever State statutes permit, except for bombing and gunnery ranges, for which no jurisdiction is acquired. The relatively small percentage of Air Force properties having any Federal jurisdictional status is explained by the following factors: (1) Many permanent installations have only recently been so designated and time has not permitted the obtaining of Federal jurisdiction, (2) rapid enlargement of installations by land acquisition and a time lag in obtaining Federal jurisdiction, and (3) the largest Air Force acreage represents bombing and/or gunnery ranges; these are for the most part located in the Western States and are comprised in a large part of public domain land which is not generally covered by enabling legislation; also it has been deemed neither necessary nor desirable to obtain Federal jurisdiction over bombing ranges, as generally no personnel or equipment are permanently located on them.

The Department of the Air Force is of the apparent view that a form of partial legislative jurisdiction would be most desirable. The Department envisages a type of jurisdiction in which the civil and political rights of the Federal residents would not be disturbed and yet would vest in the Federal Government substantial powers. It feels that reservations by the States of authority to control fishing and hunting, regulate and license private businesses and the power of taxation would not materially affect the military function. The Department more recently has indicated a view that concurrent rather than exclusive legislative jurisdiction is that toward which it would probably lean.

DEPARTMENT OF JUSTICE

Data from questionnaire A.—The reports of the two agencies of the Department of Justice which occupy, operate, or supervise real property owned by the Federal Government in the several States indicate that they have 48 such properties, aggregating 25,534.58 acres (Immigration and Naturalization Service 17 properties, 68.48 acres; Bureau of Prisons 31 properties, 25,466.1 acres). The jurisdictional statuses of such properties are as follows:

Jurisdiction	Number	Area
(a) Exclusive.....	11 and parts of 5.....	<i>Acres</i> 16, 206. 44
(b) Concurrent.....	None.....	
(c) Partial.....	2.....	2, 016. 4
(d) Proprietary.....	23 and parts of 5.....	1 2, 962. 84
(e) Unknown.....	7 and parts of 2.....	1 4, 349. 9

¹ Plus unspecified acreage of 3 prison camps.

² Plus unspecified acreage of 2 prison camps.

Data from questionnaire B.—Information reported by the Department of Justice agencies concerning the legislative jurisdictional status of their properties in the three States to which questionnaire B appertains may be summarized as follows:

	Jurisdiction	Number	Area
Virginia.....	{Exclusive.....	1	<i>Acres</i> 1540. 4
	{Proprietary.....	1	(¹)
Kansas.....	{Partial.....	1	768. 21
	{Exclusive.....	3	44. 04
California.....	{Proprietary.....	5	107. 70
Total.....		11	2460. 35

¹ Unknown.

A total of approximately 333 persons, including approximately 120 children of school age, being Government employees or their families, reside on the Department's properties. These persons appear on the whole not to be discriminated against because of the status of the areas upon which they live. However, in instances the right to vote has been denied persons resident on lands under the exclusive (or partial) legislative jurisdiction of the United States. Indeed, it appears from information in the hands of the Committee that at least in the case of one installation of the Bureau of Prisons, at El Reno, Okla., the right to vote has been denied to residents although the installation would appear not to be within the legislative jurisdiction of the United States, the State having limited its cession of jurisdiction to the land involved for use of the land for military purposes only.

Agency views.—The Immigration and Naturalization Service has had a policy of not accepting jurisdiction over lands acquired for its purposes, and only in two instances, where lands were originally acquired by other agencies for other purposes, does the Service have lands over which the United States has legislative jurisdiction. The Service states that all its needs have been met under a proprietary interest.

The Bureau of Prisons' practice with respect to the acquisition of legislative jurisdiction over its installations has in the past not been

uniform. The Bureau now feels, however, that concurrent jurisdiction would be the most suitable for all prison sites.

DEPARTMENT OF THE INTERIOR

Data from questionnaire A.—The number of properties owned by the United States and occupied, operated, or supervised by the Department of the Interior approximates 1070 properties comprising over 215 million acres. The numbers of these properties under the various Bureaus of the Department are as follows:

Bureau:	<i>Number of properties</i>
National Park Service.....	161
Bureau of Reclamation.....	120
Fish and Wildlife Service.....	312
Bureau of Land Management.....	218
Bureau of Mines.....	25
Geological Survey.....	2
Southwestern Power Administration.....	128
Bonneville Power Administration.....	221
Bureau of Indian Affairs.....	101
Total.....	1,070

These properties are used for a number of purposes by the Department, the amounts devoted to these uses and the jurisdictional statuses of the land being indicated by the following table:

Character of Federal jurisdiction, classified by use

[In acres, with number of properties in parenthesis]

Character	Exclusive	Partial	Concurrent	Proprietorial
Parks.....	2,907,442.35 (4)	¹ 5,211,428.36 (15)	-----	2,406,027.10 (7)
Monuments.....	5,663.93 (6)	-----	-----	3,997,420.81 (73)
Historical parks.....	116.50 (1)	-----	-----	11,444.47 (5)
Military parks.....	16,456.71 (8)	-----	2,544.82 (1)	5,341.80 (2)
Battlefield parks.....	-----	-----	3,094.21 (1)	2,393.31 (2)
Memorial parks.....	-----	-----	-----	64,648.50 (1)
Battlefield sites.....	-----	-----	-----	188.63 (1)
Memorials.....	2.71 (1)	-----	-----	4,420.61 (5)
Historic sites.....	-----	8.61 (1)	-----	1,305.91 (9)
Cemeteries.....	200.43 (8)	-----	15.55 (1)	-----
Parkways.....	-----	26,657.55 (3)	-----	50,993.44 (2)
National Capital parks.....	-----	(²)	-----	28,054.43 (1)
Parkway projects.....	-----	3,009.34 (2)	-----	-----
Other projects.....	-----	-----	-----	21,560.54 (3)
Reclamation ³	-----	-----	-----	9,003,195.85 (120)
Wildlife refuges ⁴	44,000.00 (1)	-----	-----	9,200,504.00 (208)
Fish cultural station ⁴	-----	-----	-----	15,511.00 (96)
Fish and wildlife research stations ⁴	-----	-----	-----	54.00 (7)
Public domain.....	-----	-----	-----	179,863,289.00 (1)
Mineral research.....	-----	12.25 (1)	-----	443.77 (11)
Helium production.....	-----	393.03 (2)	-----	26,306.98 (6)

¹ Includes some acreage under proprietorial jurisdiction.

² Includes Maryland portion of the Baltimore-Washington Parkway, a part of which is under the exclusive criminal jurisdiction of the United States, and a part under concurrent criminal jurisdiction.

³ Listed by project only, but including dams, flood control works, power stations, etc., often noncontiguous.

⁴ All properties of the Fish and Wildlife Service are listed as proprietorial only since the Service never exercises more than proprietorial jurisdiction, despite the fact that greater jurisdiction is possibly tendered by numerous State laws.

Character of Federal jurisdiction, classified by use—Continued

[In acres, with number of properties in parenthesis]

Character	Exclusive	Partial	Concurrent	Proprietary
Drainage tunnel.....				169.28 (1)
Oil and gas leasing.....				22.3 (2)
Power substations, etc.....				2,857.55 (203)
Fee portions of transmission lines.....				4,967.98 (39)
Flood control sites.....				375.77 (107)
Indian administration installations.....				2,750,000.00 (101)
Total (215,703,563.38).....	2,973,882.63 (29)	5,241,509.14 (24)	5,664.58 (3)	207,482,497.03 (912)

[In square feet, with number of properties in parenthesis]

Administrative.....				241,847 (217)
Research.....				109,120 (1)
Rescue station.....				7,500 (1)
Total.....				358,467 (219)

Data from questionnaire B.—The acreages and jurisdictional statuses of properties held by the bureaus of the Department of the Interior in the States of Virginia, Kansas and California are reported as follows:

Bureau ¹	Exclusive	Concurrent	Partial	Proprietary	Total
Geological Survey.....				20	20
Bureau of Reclamation.....			163,885	1,156,616	1,320,501
Bureau of Land Management.....				17,509,575	17,509,575
Bureau of Mines.....			103		103
National Park Service.....	1,140,361	2,129	780,949	2,313,973	4,217,412
Fish and Wildlife Service.....		6,189	150,718	9,031	214,120
Total.....	1,140,361	8,318	1,075,655	20,989,215	23,261,731

¹ Data furnished by Bureau of Indian Affairs did not permit compilation of areas in California, Kansas and Virginia. Properties under management of that Bureau are therefore not included in this table.

² Including 48,182 acres the status of which is not known.

A general satisfaction was evidenced in the status quo of jurisdiction by the individual reporting installations. The only discernible trend was the preference of some national parks toward a concurrent legislative jurisdiction, which, in the majority of cases, was less than the existing status. The main practical advantage found in concurrent jurisdiction is the right of the Federal Government to provide adequate policing of isolated regions where the State authorities are either unable or unwilling to perform such services.

Residing on these installations are found 2,132 persons, most of whom are in areas within the limits of national parks. In this respect, it should be pointed out that many of these residents are residing on

lands which they own, but which are "inholdings" in national parks, plots within the exterior boundaries of the parks.

There were no reported instances in which residents were denied equal vote, equal privileges, or equal use of facilities.

There are 524 school children residing on lands held by the Department of the Interior in California, Kansas, and Virginia. All of these children appear to be admitted to State schools on an equal basis with State residents. Only two installations reported that local schools received Federal grants-in-aid, the remainder were silent on this matter.

Regardless of jurisdictional status, in all cases except one vital statistics were maintained and related certificates issued by the State authorities. (One national military cemetery, however, reported that its record were maintained by the Federal Government.) Likewise, local coroners investigated any deaths occurring on the premises under unknown circumstances.

In almost all installations services of State notaries public were not available on the premises. Distances to the nearest notary public varied from one-fourth mile to 102 miles.

About half of the properties reported a need for the services of a United States commissioner. Distances to the nearest commissioner varied from one in residence on the installation to 150 miles.

Most of the installations reported need of the services of local police and in all instances such services were rendered.

Fire protection was provided locally in 18 cases, by the Federal Government in 25, and reciprocally in 10 instances. The type of jurisdiction does not appear too relevant in determining the source of fire protection. Rather, such factors as size of the installation, size and resources of the surrounding localities, and remoteness of the installations are of paramount importance.

Agency views.—The policy of the Department of the Interior with respect to the acquisition of legislative jurisdiction has been to acquire its lands under a proprietorial interest only wherever possible, and not to accept legislative jurisdiction.

The Department of the Interior is of the opinion that there is in general no necessity for legislative jurisdiction over its properties and that the efficiency of Federal operation is not impaired by holding lands under a simple proprietorial interest. For certain national parks and monuments which cover vast areas and which are situated in remote regions of the country, partial jurisdiction is deemed necessary, although the Department recognizes that the State should have substantial authority in these federally owned areas. For certain wildlife refuges, where the problems seem to be similar, the Depart-

ment has indicated the possible desirability of a concurrent jurisdiction status.

DEPARTMENT OF AGRICULTURE

Data from questionnaire A.—The six agencies of the Department of Agriculture which operate or supervise real property owned by the United States have a total of 532 properties aggregating 168,351,577 acres plus 39,433 square feet of office space, making the Department one of the largest landholding agencies of the Government (second only to the Department of the Interior). While most of the Department of Agriculture's land is held in a status of proprietorial interest only, the Department has lands in each of the other categories defined by the Committee. The following table summarizes the jurisdictional status of the lands:

	Exclusive		Concurrent		Partial		Proprietorial	
	Acreage	Number	Acreage	Number	Acreage	Number	Acreage	Number
Agricultural Research Service.....	36,799.2	6	8,406.6	1	39.7	1	312,455.2	67
Commodity Stabilization Service.....							354.8	12
Farmers Home Administration.....							13,414.6	103
Forest Service.....	101,000.0	3			5,644,000	10	162,179,486.8	292
Secretary's Office.....	333.4	1						
Soil Conservation Service.....							55,286.7	46
Total.....	138,132.6	10	8,406.6	1	5,644,039.7	11	162,560,998.1	520

1 Plus unspecified number included under proprietorial.

2 Less unspecified number for inclusion under partial.

3 Plus 39,433 square feet.

It may be noted, incidentally, that with respect to a certain number of other properties the United States has by statute assumed authority over wildlife but this action appears to constitute an exercise of power under some other clause of the Constitution rather than assumption of jurisdiction under article I, section 8, clause 17.

Data from questionnaire B.—Responses from Department of Agriculture installations in Virginia, Kansas, and California indicate that 4 agencies of the Department of Agriculture supervise a total of 53 properties aggregating 21,502,772 acres and an additional 27,500 square feet, in the 3 States involved. Most of this property is held in a proprietorial interest only status, without legislative jurisdiction (51 areas aggregating 21,468,437 acres), but 3 areas aggregating 4,336 acres are held under exclusive legislative jurisdiction, and a portion (30,000 acres) of 1 otherwise proprietorial interest only property is held under a partial jurisdiction status. The status of the lands in these three States is shown in the following table:

	Acreage	Number
California:		
Agricultural Research Service:		
Proprietorial.....	311.5	4
Exclusive.....	218	2
Farmers Home Administration: Proprietorial.....	39.9	1
Forest Service: Proprietorial.....	19,978,064.7	28
Soil Conservation Service: Proprietorial.....	60	1
Subtotal:		
Proprietorial.....	19,978,476.1	34
Exclusive.....	218	2
California total.....	19,978,694.1	36
Kansas:		
Forest Service: Proprietorial.....	106,474	1
Farmers Home Administration: Proprietorial.....	1,000	6
Soil Conservation Service: Proprietorial.....	¹ 181.4	5
Subtotal: Proprietorial (Kansas total).....	¹ 107,655.4	12
Virginia:		
Agricultural Research Service: Exclusive.....	4,118	1
Farmers Home Administration: Proprietorial.....	93.8	1
Forest Service:		
Proprietorial.....	1,382,212	3
Partial.....	30,000	(²)
Subtotal:		
Proprietorial.....	1,382,305.8	4
Exclusive.....	4,118	1
Partial.....	30,000	(²)
Virginia total.....	1,416,423.8	5
3-State total:		
Proprietorial.....	¹ 21,468,437.3	50
Exclusive.....	4,336	3
Partial.....	30,000	(²)
Total, 3 States.....	21,502,773.3	53

¹ Plus 2,450 square feet of space.

² 1 portion.

³ Plus 2,450 square feet office space.

A total of 6,431 residents (approximately) are on the properties, including 1,328 children attending schools. While the great majority of residents are on Forest Service properties as to which the Federal Government has only a proprietorial interest, it appears that discriminations are not practiced by the States and local communities against the residents who are on other properties, and all resident children attend schools on an equal basis with other children.

It is noted that local police assistance is required and rendered from time to time on various properties, including some properties under the exclusive jurisdiction of the United States. A number of affirmative recommendations are made for proprietorial interest on the grounds that it expedites arrest and punishment of petty thieves by local authorities, and that local authorities under such a status can supervise the hunting of game. In a number of instances Federal authorities are not readily available to enforce law, and in some such cases law enforcement by local authorities has been reported by some installations as essential to the carrying out of their functions.

Agency views.—The Department of Agriculture is of the view that a proprietorial interest is sufficient to its needs as to all its properties. Consequently it is the policy of the Department to acquire no legislative jurisdiction over its land holdings.

DEPARTMENT OF COMMERCE

Data from questionnaire A.—The reports of the seven agencies of the Department of Commerce (Bureau of the Census, Civil Aeronautics Administration, Coast and Geodetic Survey, Maritime Administration, Bureau of Standards, Bureau of Public Roads, and Weather Bureau), which occupy, operate, or supervise real property owned by the Federal Government in the several States, indicate that together these agencies have 263 such properties, aggregating 32,688.68 acres, plus 2 such properties containing 474,360 square feet of office and storage space. The property supervised by the Department of Commerce is spread through the United States, excepting only 10 States, and is used for general office and storage space, air navigation aids, airports, regional headquarters, housing, geophysical and meteorological observatories, laboratories and testing areas, shipyards, marine terminals, warehouses, maritime training stations, reserve fleet installations, equipment depots, flight strips, and highway rights-of-way. The legislative jurisdictional status of areas operated under the Department of Commerce may be summarized as follows:

Jurisdiction	Number	Area	
		Unit	Amount
Exclusive.....	5	Acre.....	48.3
Do.....	2	Square feet.....	(474,360)
Concurrent.....	None		None
Partial.....	1	Acre.....	616
Proprietorial.....	251	do.....	31,623.64
Unknown.....	6	do.....	400.74
Total.....	265	do.....	32,688.68

Data from questionnaire B.—Responses from Department of Commerce installations in Virginia, Kansas, and California concerning legislative jurisdictional status may be summarized as follows:

	Jurisdiction	Number	Acreage
Virginia.....	Unknown.....	1	187
	Exclusive.....	None	None
	Concurrent.....	None	None
	Partial.....	1	616
	Proprietary.....	8	3,045.93
Total.....		10	3,848.93
Kansas.....	None.....	None	None
California.....	Unknown.....	1	2.5
	Exclusive.....	None	None
	Concurrent.....	None	None
	Partial.....	None	None
	Proprietary.....	29	4,964.8
Total.....		30	4,967.3

The several agencies on the whole have found the legislative jurisdictional status of their properties satisfactory. The predominating proprietary—interest—only jurisdiction is chiefly preferred because of the local police protection which it brings. However, in one such case the Bureau of Public Roads reports difficulty in procuring police services and suggests the desirability of concurrent jurisdiction for the area; the problem apparently arises because of some misunderstanding. The mentioned Bureau also suggests the desirability of changing the legislative jurisdictional status of four of its installations from exclusive to concurrent for the purpose of strengthening its position when local police or fire protection services are required.

Eleven residents, including two schoolchildren, are located upon premises of the Department of Commerce in Virginia and California. Such residents are indicated as having accorded to them all services and privileges usually rendered by State and local governments only to residents of the State involved.

The Civil Aeronautics Authority makes special reference to the area occupied by the Washington National Airport, the jurisdiction of which is indicated as being partial, Virginia having reserved the right (1) to tax certain motor fuel and lubricants, (2) to serve civil and criminal process, and (3) to regulate the manufacture, sale, and use of alcoholic beverages. CAA finds satisfactory the current legislative jurisdictional status of Washington National Airport, excepting an existing State-imposed prohibition on the use of alcoholic beverages other than light wines and beer. In this connection it points out that travelers using the airport come from all parts of the world, that many have a vastly different outlook than is represented by Virginia laws, and that the prohibitions on use of alcohol at the airport

seem arbitrary. CAA recommends transfer to Federal jurisdiction of authority over this subject, but would have no objection to payment to Virginia of taxes on alcohol consumed on the premises.

Agency views.—The Department of Commerce apparently has no departmental policy with respect to the acquisition of legislative jurisdiction. However, all of the landholding agencies of the Department have a policy of accepting only a proprietorial interest in lands acquired for their several purposes.

The land-acquiring agencies of the Department, with the exception of the Bureau of Public Roads, and the CAA with respect to the Washington National Airport, whose views have been indicated, are of the view that it is unnecessary for the proper performance of Federal functions to acquire any measure of legislative jurisdiction over their installation sites.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Data from questionnaire A.—The properties owned by the United States and occupied, operated, or supervised by agencies of the Department of Health, Education, and Welfare aggregate 3,848.063 acres outside the District of Columbia. The major part of this land is composed of hospitals, most of which are held under exclusive Federal jurisdiction. The status of quarantine stations, which are located on land aggregating 88.8 acres, is for the most part unknown to the Department. The various agencies of the Department also occupy office space in buildings held by other Federal agencies. The jurisdictional status of these lands is indicated by the following table:

[Acres]

	Total	Exclusive	Partial	Proprietorial	Unknown
St. Elizabeths Hospital, Maryland.....	307.0	307.0	-----	-----	-----
Public Health Service:					
Quarantine stations.....	88.8	.3	-----	6.9	81.6
Hospitals.....	2,942.413	2,917.034	8.679	15.4	1.3
Communicable disease centers.....	147.0	-----	27.0	120.0	-----
National Institutes of Health.....	362.85	306.2	35.15	21.5	-----
Total.....	3,848.063	3,530.534	70.829	163.8	82.9

Data from questionnaire B.—The only bureau of the Department of Health, Education, and Welfare which supervises federally owned property in any of the 3 States covered by this questionnaire is the Bureau of Medical Services, which has 4 properties in California and Virginia, 2 being in each State. All such property is acquired and the status thereof is shown in the following table:

[All figures in acres]

	Total	California	Virginia
Exclusive.....	47.934	34.501	¹ 13.433
Partial.....	8.679	-----	² 8.679
Proprietorial.....	5.6	5.6	-----
Total.....	62.213	40.101	22.112

¹ Portion of installation at Norfolk.² Installation at Fort Monroe and portion at Norfolk.

A general satisfaction with the jurisdictional status quo was reported. Among the advantages of exclusive jurisdiction are listed the following: Federal property is not subject to State taxation; automobiles of personnel living on the reservation not subject to local taxes; disposition of personal effects upon death of patient according to departmental regulations rather than relinquishment of such effects to the local public administrator. Advantages accruing from holding property under partial jurisdiction and proprietorial interest include local fire and police protection, lectures on fire prevention, and trash collection.

There are 125 residents and 29 schoolchildren residing on the lands in question, 63 residents (12 children) in Virginia, and 62 residents (17 children) in California. The rights of State residency appear to be granted in every case: equal vote, equal schooling, equal privileges and equal use of facilities.

Vital statistics are maintained locally in all instances; the local coroner investigates deaths on three reservations, on the fourth such functions are performed by military authorities.

Notaries are available on the premises in two instances. Where not on the premises they were available at a short distance.

Services of a United States commissioner are stated to be required, and available, only at the San Francisco hospital.

Local police services are reported required in 2 instances, and available in only 1 of these cases. It is desired that such services be made available at Norfolk (exclusive jurisdiction). The San Francisco hospital, held under exclusive jurisdiction, reports that local police investigate thefts and remove disorderly persons from the premises.

Fire protection is available locally on three premises; on the fourth, military authorities provide such services.

Agency views.—The Department of Health, Education, and Welfare indicates that prior to this study it had not formulated or expressed its views on appropriate jurisdictional status for the areas it occupies. For this and other reasons the practices of the subordinate agencies of the Department have varied with respect to the

acquisition of legislative jurisdiction. The National Institutes of Health and the Bureau of Medical Services, which manage approximately nine-tenths of the Department's land holdings have acquired exclusive (or partial) jurisdiction over essentially all of their installations. The practice of the other agencies has not been uniform. All agencies seem to be reasonably satisfied with the jurisdictional status quo. The Department recently has come to the view that a proprietorial interest is most desirable for the large bulk of its properties, and that a concurrent jurisdiction status is more desirable in a relatively few of its institutions where special problems exist with respect to law enforcement.

ATOMIC ENERGY COMMISSION

Data from questionnaire A.—The Atomic Energy Commission operates 35 properties totaling 1,605,817.36 acres. These vary in size from half-acre laboratories to 430,248-acre testing stations. The jurisdictional status of these properties is as follows:

Categories	Acreage and jurisdiction			
	Exclusive	Concurrent	Partial	Proprietorial
20 industrial.....	8,874	0.36	682	1,105,111
4 industrial-community.....	2,185	0	0	488,939
1 administrative.....	0	0	0	26
Total (1,605,817.36).....	11,059	0.36	682	1,594,076

Data from questionnaire B.—The Atomic Energy Commission occupies two properties in the State of California, and none in Virginia or Kansas. The 2 installations cover approximately 34,905 acres, of which 24,462 acres were withdrawn from the public domain, and 10,443 acres acquired land; 34,224 acres are held in a proprietorial interest only, and 681 acres under partial jurisdictional status.

One of the installations (partial jurisdiction) has no residents, another (proprietorial) 120, with 15 children of military personnel and 18 of civilians. These persons were allowed equal vote, equal use of State and local facilities, and equal privileges, and their children were given equal schooling, with persons domiciled in the State.

Vital statistics were maintained by local authorities and investigations of deaths occurring on the premises were undertaken by the local coroner.

Notaries were available at 1 installation and were 24 miles distant at the other.

The installation held in a proprietorial interest only reported no need for a United States commissioner; the installation under partial

legislative jurisdiction replied affirmatively to such need and reported that a United States commissioner was available 40 miles from the installation.

In the areas held in a proprietorial interest only, police functions are performed by hired guards who have been deputized as sheriffs by the local authorities. In the areas under partial jurisdiction, police functions are performed by guards who are members of the California State Highway Patrol. While the Commission indicates that it does not feel it necessary that guards have such local status, such status is customary policy with the University of California, a State corporation which operates the installation. It may be noted that the status apparently would give no authority to the guards, beyond that possessed by citizens generally, with respect to making arrests in this area.

In both instances, fire protection is Federal. The installation which was situated nearer to local communities had verbal reciprocal agreements with these communities.

Agency views.—The policy of the Atomic Energy Commission has been to acquire no legislative jurisdiction. Indeed, in the case of certain lands acquired from other Federal agencies which were subject to the exclusive jurisdiction of the United States, the Commission has sponsored legislation which allowed it to retrocede jurisdiction to the States.

The Atomic Energy Commission has found that a proprietorial interest only is entirely satisfactory for all categories of property operated by that agency. For properties on which communities are located the Commission considers that a proprietorial interest only offers distinct advantages over other jurisdictional categories.

CENTRAL INTELLIGENCE AGENCY

Data from questionnaire A.—The Central Intelligence Agency reports that it has two properties, both used for foreign radio monitoring. These properties cover 579.3 acres of acquired land, all of which are held in a simple proprietorial interest, although greater jurisdiction could have been obtained under the applicable State laws.

Data from questionnaire B.—The Central Intelligence Agency operates only 1 property located in the 3 selected States, that one being in California. This is a foreign radio monitoring station on 483 acres of acquired land, all held under a proprietorial interest only. A broader jurisdiction could have been accepted under the laws of California.

The California station reports that, "We have not experienced known disadvantage because of the application of State and local building, fire and health regulations, or other State or local law. Arrangements with local authorities and efficiency of administration doubtless have been furthered by our compliance with local pattern."

There are no residents on the California property, hence no vital statistics. Likewise, there has never been an occasion to use the services of a coroner.

A notary public is not available; the nearest one is situated about 8 miles away.

There is believed no need for the services of a United States Commissioner in the administration of the premises.

Services of State police have not been needed, but it is understood that they will be furnished if needed.

Fire protection is provided by the Central Intelligence Agency. No reciprocal arrangements with nearby localities are reported.

Agency views.—The policy of the Central Intelligence Agency with respect to the acquisition of legislative jurisdiction has been to acquire no jurisdiction over any of its properties.

Since, in the view of the Agency, the status of proprietorial—interest—only is not inconsistent with high security standards, it favors a proprietorial interest status for all its properties.

FEDERAL COMMUNICATIONS COMMISSION

Data from questionnaire A.—The Federal Communications Commission reports that it operates 12 properties having an area of 1,715.45 acres. All 12 properties are used as radio monitoring stations. Of this acreage 87.27 is stated to be under the exclusive jurisdiction of the United States, and the remaining 1,628.18 acres are under a simple proprietorial interest only.

Data from questionnaire B.—For radio monitoring purposes, the Commission holds 190 acres of acquired land in a proprietorial interest in California. It also maintains 7,700 square feet of office space in that State. In the State of Virginia it occupies 1,020 square feet of office space. It neither holds, supervises, nor uses any land in Kansas.

The Commission feels that the proprietorial status of its California lands is adequate for the purposes for which they are held. It notes that no particular disadvantages, problems, or advantages have arisen from the application of State or local laws.

There are no residents on the premises.

Should the occasion arise, a local coroner would investigate deaths, and records of vital statistics would be kept by the local authorities.

Notaries are available at only one of the California monitoring stations.

Generally at the monitoring stations there is no need for the services of a United States commissioner. However, at the various district offices such services are occasionally necessary in connection with enforcement matters.

Agency views.—Since 1940 it has been the policy of the Commission not to obtain any measure of legislative jurisdiction over its land acquisitions.

It is the view of the Commission a proprietorial interest only is wholly sufficient for the performance of all its Federal functions.

GENERAL SERVICES ADMINISTRATION

Data from questionnaire A.—The General Services Administration, as the manager of Federal buildings throughout the United States used by various Federal agencies for various purposes, including predominantly post offices and general office space, supervises a much larger number of individual properties (3,904) than any other agency of the United States, more than a third (by number) of all properties owned by the Federal Government. The use and description of the 3,904 properties reported by General Services Administration, including the acreage and the jurisdictional status of the holdings are presented in the following chart:

Description	Property-use code	Pieces of property in category	Land			Exclusive	Concurrent	Partial	Proprietary	Total
			Building (square feet)	Urban (acres)	Rural (acres)					
I. Office-office building.....	113, 210.....	3, 471	102, 323, 469	3, 621.7	408.1	3, 244	12	204	11	3, 471
II. Vacant post office sites.....	121.....	163	120, 604	114.3	9.9	136	14	12	1	163
III. Vacant.....	119.....	63	500	58.4	730.8	61	---	2	---	63
IV. Other land.....	170, 101, 106, 107, 116.....	32	839, 360	453.0	18, 965.2	26	1	5	---	32
V. Housing.....	230.....	31	3, 169, 532	423.6	827.9	27	---	4	---	31
VI. Storage, land and building.....	117, 240.....	41	10, 214, 989	336.4	439.4	35	2	4	---	41
VII. Industries.....	106, 250.....	54	9, 062, 458	6, 733.3	10, 177.6	45	3	6	---	54
VIII. Structures and facilities.....	370, 304, 115, 111.....	15	480, 879	187.9	10	10	---	5	---	15
IX. Institutional.....	110, 221, 229.....	44	16, 644, 747	6, 220.0	28, 643.0	42	---	1	---	44
Total.....	-----	3, 904	142, 859, 628	18, 198.6	90, 350.1	3, 616	32	243	13	3, 904

While the area of GSA properties held in each jurisdictional status is not specified in the GSA report, it is indicated that 3,616 properties (92.6 percent) are held in an exclusive jurisdiction status, 32 properties (0.8 percent) in a concurrent jurisdictional status, 243 (6.2 percent) in a partial jurisdiction status, and 13 (0.4 percent) in a proprietorial interest only status. By applying these percentages across the board to the total areas of its properties in each of the categories (buildings, urban land, and rural land) reported by GSA the following results are obtained :

	Number	Percent	Buildings (square feet)	Land	
				Urban (square feet) ¹	Rural (acres)
Exclusive.....	3,616	92.6	132,288,015	734,068,921	55,884
Concurrent.....	32	.8	1,142,877	6,341,848	483
Partial.....	243	6.2	8,857,297	49,149,323	3,742
Proprietorial.....	13	.4	571,439	3,170,924	241
Total.....	3,904	100.0	142,859,628	792,731,016	60,350

¹ Converted to square feet from acreage reported.

Data from questionnaire B.—The areas and jurisdictional statuses of General Services Administration properties in the States of Virginia, Kansas, and California, as to which reasonably detailed information was furnished, are as indicated by the following table :

	Exclusive	Concurrent	Partial	Proprietorial	Unknown
Kansas:					
Square feet.....	409,956				
Acres.....	0.34				
Virginia:					
Square feet.....	9,131,604		605,700		0.46
Acres.....	0.4				
California:					
Square feet.....	2,664,693		86,084	885,938	1,543,433
Acres.....	41.3		3.6	22.5	3,411.4

Individual General Services Administration installations in California (29 in number), the legislative jurisdictional status of which is known, whatever that jurisdictional status, without exception indicate that a proprietorial interest status is the most desirable for the installation involved. Individual installations in Virginia (15 in number) the jurisdictional status of which is known, nearly all being in an exclusive status, are approximately evenly divided on whether that is the most desirable status, with half of the installations favoring lessening the status to one under which the State would be authorized and required to render police and fire services. Individual installations in Kansas (6 in number) the jurisdictional status of which is known, all but 1 recently acquired property being in an

exclusive status, consider exclusive jurisdiction the most desirable status.

Only one installation (Tecale, Calif.) indicated that there were any residents on the area. This installation reported a total of 10 residents and no children. Although the installation is held under exclusive jurisdiction, the report indicated that equal schooling was available. It likewise disclosed that these residents were granted equal privileges and equal use of facilities.

In a substantial majority of the cases, vital statistics are taken and maintained by local authorities regardless of the status of jurisdiction. The reports also disclose that in the majority of cases no occasion has arisen requiring the services of a coroner. Only 3 reports show that a local coroner investigates deaths, in 1 instance by contract with the installation, which had an exclusive jurisdiction status.

Availability of notarial services was reported affirmatively in 20 instances and negatively in 30 cases. This question was not answered in 16 reports. Where no notary was on the installation such services were generally available within a short distance. In 13 cases these services were performed on areas under exclusive Federal jurisdiction, notwithstanding the questionable validity of such notarizations.

Services of a United States commissioner were required in only 4 instances and a negative report was received in 47 cases. In the four cases requiring the services of a United States commissioner, such services were available in the same building.

Twenty-seven installations reported a need for local police services while 24 installations indicated no need for such services. In none of the 27 reports indicating a need for local police services was there any indication that such services were in fact rendered. However, 6 installations reported that the local police were reluctant to make arrests or to quell disturbances on the area, thus indicating that services were rendered in part.

Whether or not local fire protection was rendered does not appear to depend upon the jurisdictional status of the land in question. This is substantiated by the fact that 50 installations, 26 of which are held under exclusive Federal jurisdiction, reported that local authorities furnished fire protection for the area. Only two installations reported that such protection was rendered by the Federal Government, and no report disclosed a reciprocal arrangement.

Agency views.—The apparent practice of General Services Administration and its predecessor agencies with respect to the acquisition of legislative jurisdiction was until about 1947 to obtain exclusive jurisdiction over all properties acquired, without reference to the

needs of the Federal agencies which might occupy the property. The practice subsequent to that time has not been made known to the Committee but from the facts furnished the Committee it is surmised that exclusive jurisdiction is almost uniformly acquired.

The General Services Administration did not in the first instance express any agency opinion as to the desirability of any particular measure of legislative jurisdiction. The opinion among regional counsel, whose views were forwarded, was divided. Among those who had little or no experience with any form of legislative jurisdiction other than exclusive, the consensus was to maintain the status quo. Among those who had substantial experience with lesser forms of jurisdiction the consensus was in favor of concurrent jurisdiction or a proprietorial interest only. Later, the General Services Administration expressed the view that with amendment of existing legislation so as to permit appointment of special police without reference to jurisdictional status a proprietorial interest only would be sufficient for its properties. In the absence of such amendment, a concurrent legislative jurisdiction status would be desirable for properties requiring special police service, and a proprietorial interest for others.

HOUSING AND HOME FINANCE AGENCY

Data from questionnaire A.—The only subagency of the Housing and Home Finance Agency which occupies, operates, or supervises properties of a type to bring them within the cognizance of this Committee is the Public Housing Administration. That Administration holds an estimated 17,205.28 acres (plus certain unascertained acreage) of federally owned land, on which are located 403 projects, with approximately 121,879 housing units, of which approximately 79,263 are occupied. Some of these projects are located in part on leased lands, but the leased land is not included in the mentioned acreage. In addition, the Public Housing Administration is in charge of and operates housing projects situated on land owned by the United States which is under the supervision of other Government agencies, particularly the Department of Defense. The jurisdictional status of nearly all of this acreage is proprietorial.

Data from questionnaire B.—In the three States to which the Committee's questionnaire B pertains (California, Kansas, and Virginia) the Agency holds something over 7,708 acres of land, principally under a proprietorial interest only status, on which are located 74 housing projects.

In California, Kansas, and Virginia, a total of 42,685 children are resident on land of the Agency; 16,263 of this total are children of civilians, and 26,422 are children of military personnel.

No report is made of any practice by States or municipalities of discrimination against residents of such of these properties as are under a proprietorial jurisdictional status with respect to voting or other rights and privileges generally accorded to State residents. Some such discriminations are indicated as having been practiced, at least in Kansas, with respect to residents of areas under the exclusive legislative jurisdiction of the United States. It appears, however, that in most instances land in Kansas and elsewhere utilized for housing projects by the Agency, though formerly under the exclusive legislative jurisdiction of the United States, has been held to revert to the jurisdiction of the State (because of a provision of the Lanham Act (42 U. S. C. 1547)). California, pursuant to State judicial decisions, apparently permits the full exercise of civil rights and privileges by residents of Federal housing projects. All housing now held by the Agency in Virginia is in a proprietorial interest only status and no question of denial of civil rights or privileges arises.

Agency views.—In the view of the Housing and Home Finance Agency there is no need for the acquisition of legislative jurisdiction over Federal housing projects and the practice of the Agency has been to acquire none.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Data from questionnaire A.—The number of properties owned by the United States and occupied, operated, or supervised by the International Boundary and Water Commission is 7, comprising 99,284 acres. The jurisdictional status of these lands is reflected in the following table:

Category	Number	Concurrent acreage	Proprietorial acreage	Total acreage
Flood control.....	4	488	17, 604	18, 092
Multipurpose (flood control, water storage, and power generation).....	2	-----	81, 125	81, 125
Storage.....	1	-----	67	67
Total.....	7	488	98, 796	99, 284

Data from questionnaire B.—As the United States does not hold title to land in Virginia, Kansas, or California under the supervision of the Commission, there were no responses to questionnaire B.

Agency views.—It is the opinion of the commissioner that there is no need for Federal legislative jurisdiction with respect to the various categories of Federal lands operated by the agency.

TENNESSEE VALLEY AUTHORITY

Data from questionnaire A.—The properties owned by the United States and occupied, operated, or supervised by the Tennessee Valley Authority number 487 aggregating 761,226 acres of land, plus 158,634 square feet of office space in 3 buildings. Nearly 98 percent of the total acreage of Tennessee Valley Authority properties is accounted for by 38 dam and reservoir sites, but substantial areas are utilized for steam plants, transmission substations, radio stations and microwave links, general offices, field headquarters, chemical plants, phosphate mining, river terminals, tree crop nurseries, garages, general service reservations, quarry sites and tributary watershed erosion control.

The jurisdictional status of these lands is as indicated in the table following:

Jurisdiction	Number	Area
Exclusive.....	{ 10	2,855 acres.
Concurrent.....	2	95,700 square feet.
Partial.....	None	None.
Proprietorial.....	{ None	None.
	474	758,371 acres.
	1	62,934 square feet.

Data from questionnaire B.—Of the three States to which questionnaire B pertains, Tennessee Valley Authority has property in only 1, Virginia, in which are located 4 installations consisting of part of a reservoir, 2 transmission substations, and a transmission line, with a total area of 1,211 acres, all of which are in a proprietorial—interest—only status.

The United States Forest Service gives fire protection to certain of the premises, with additional such protection available from State authorities. The other premises are given fire protection by a neighboring municipality, on a reimbursable basis for any services actually rendered.

Police services which may be required with respect to any of the premises from time to time, and such other governmental services as may be needed in the case of drownings in the reservoirs, are furnished by local authorities.

The premises have no residents, and only one employee, and have no requirement for any governmental services other than those mentioned. The Tennessee Valley Authority indicates that no problems arise out of the fact that the United States has only a proprietorial interest in these premises, with general legislative jurisdiction left in the State, and it considers this jurisdictional status as best suited to the premises.

Agency views.—The Tennessee Valley Authority has had a policy of not accepting legislative jurisdiction over lands acquired for its purposes, and the United States holds such jurisdiction over only such of Tennessee Valley Authority's property as was acquired from other Federal agencies.

UNITED STATES INFORMATION AGENCY

Data from questionnaire A.—The United States Information Agency holds five properties, all of which are used for radio transmitter purposes. These properties total 5,229.5 acres, all held in a proprietorial capacity by the United States. It is not stated whether these lands were in the public domain or were acquired.

Data from questionnaire B.—The United States Information Agency holds 2 properties in the State of California, each comprising 640 acres. These 1,280 acres of acquired land are held in a proprietorial interest, and both are used for radio transmitters. No lands are held by the agency in Kansas or Virginia.

These installations feel that a proprietorial status is best suited for their purposes. They do not specify any reasons for this belief, however. Local laws and regulations, they report, have created neither disadvantages and problems nor advantages.

There are no residents on either of these properties.

Notarial services are not needed or available on the premises. Notaries are located within 1 and 5 miles of the 2 installations.

The services of a United States commissioner are not required. Likewise there is no need for local police services.

Fire protection is provided by the local authorities.

Agency views.—In the view of the United States Information Agency a proprietorial—interest—only status is most suitable for its properties. Consequently, the practice of that agency has been to acquire no legislative jurisdiction over the sites of its installations.

VETERANS' ADMINISTRATION

Data from questionnaire A.—The properties owned by the United States and occupied, operated, or supervised by the Veterans' Administration number 176 installations, plus 14 vacant installation sites, and are located in all 48 States. The areas occupied by these units in the States vary in size from 3 acres to 2,367 acres, with an average area of 230 acres, and a total area of 43,874 acres. The numbers and total approximate areas of properties reported to be under the several types of jurisdiction are indicated in the following table:

Jurisdiction	Number	Acreage
Exclusive.....	149 and parts of 4.....	26, 256. 32
Concurrent.....	11.....	1, 787. 3
Partial.....	6.....	679. 0
Proprietorial.....	18 and parts of 4.....	2, 151. 375

In addition, the Veterans' Administration reports occupancy of one parcel, consisting of 24.04 acres, owned by the Departments of the Army and Air Force, subject to exclusive jurisdiction, and 1 parcel, consisting of 96.2 acres, which may be subject to either exclusive or partial jurisdiction.

Data from questionnaire B.—The Veterans' Administration reported 3 properties in Virginia (totaling 687 acres), 3 in Kansas (totaling 1,117 acres), and 10 in California, including a vacant site of 208 acres (totaling 2,173 acres). These landholdings constitute 5 percent of the total holdings reported by the Veterans' Administration, and no reason appears why they should not constitute a fair sample of all Veterans' Administration properties. The following table summarizes certain information concerning the properties in the 3 States. The meanings of the letters following the jurisdictional designations are explained in the matter following the table.

Location	Area	Jurisdiction
	<i>Acres</i>	
Virginia:		
Kecoughtan.....	85	Exclusive a, a, a, a.
Richmond.....	156	Partial c, b, b, c.
Roanoke.....	445	Exclusive a, a, a, a.
Kansas:		
Topeka:		
2 tracts.....	423	Partial c, a, a, c.
2d tract.....	-----	Partial or proprietorial c, (?), a, c, or d.
Wadsworth.....	645	Exclusive c, a, a, a.
Wichita.....	49	Partial c, c, a, c.
California:		
Livermore.....	234	Partial c, c, a, c.
Los Angeles.....	713	Exclusive a, a, a, a.
Oakland.....	3	Proprietorial d, d, d, d.
Fresno.....	18	Proprietorial d, d, d, d.
Long Beach.....	100	Partial c, c, a, c.
Palo Alto.....	96	Exclusive d, a or c, b or c, a.
San Fernando.....	617	Partial d, c, d, c.
San Francisco.....	23	Exclusive a, a, a, a.

The letters in the last column of the table represent the several types of jurisdiction as defined by the Committee: a=exclusive; b=concurrent; c=partial; and d=proprietary interest only. The letter or letters before the first comma after each spelled-out specification of jurisdiction in the table indicate the view of the Assistant Administrator for Construction, Veterans' Administration, as to the character of the jurisdiction of the United States over the piece of property involved; the letter or letters between the first two commas indicate the view of the manager of the establishment as to the jurisdiction had over the property; the next letter or set of letters indicates

the view of the General Counsel of the Veterans' Administration; and the last letter or set of letters indicates the view of the Committee staff. Of considerable significance is deemed the fact that in only 6 of the 14 cases analyzed did all 4 parties agree on the character of the jurisdiction held by the United States.

The establishment managers expressed nearly 100 percent satisfaction with the jurisdictional status had by the establishments under their supervision, whatever that status might be. In one instance only did the manager of an establishment suggest the desirability of a change in its status, from exclusive to concurrent jurisdiction.

The 14 reported installations each have from 14 to 676 more or less permanent residents. The total is 2,237 of whom 175 are children of school age. In addition, of course, there are many thousands of persons on these installations as patients and similar inhabitants.

It is indicated by the returns that at 11 of the installations the permanent residents are permitted to vote in State elections on the basis of their residence on the installation involved, whatever the jurisdictional status of such installation may be. This privilege is denied to residents of only three installations.

With respect to every installation it is indicated that children are accepted at local public schools on the same basis as State residents, and in only one case is it indicated that the school district involved receives Federal assistance (Wichita) and in one case that the children are given Federal transportation to the school (Livermore).

In all but two instances it is reported that residents of the Federal areas receive equal use of State and local governmental facilities and equal privileges with persons domiciled in the State involved. In the two instances which are exceptions it is indicated in one (Kecoughtan) simply that residents have access to governmental facilities furnished by local and State governments but are not granted other privileges usually accorded only to persons domiciled in the State, and it is indicated in the other (Wichita), that while State laws make some discriminations against persons not domiciled in the State, such discriminations in practice have not been applied against residents of the Federal installation involved, although doubt is expressed as to whether a discrimination might not be applied in certain instances.

In every instance agencies of the appropriate city, county, or State, maintain vital statistics for the Veterans' Administration installations which reported to the Committee. In all but three cases the local coroner investigates deaths occurring on the premises under unknown circumstances; in only one of such cases the FBI investigates (Los Angeles), in another case the circumstances are made known to the coroner and there apparently exists complete cooperation be-

tween him and the installation authorities, although he has not conducted a personal investigation in many years (Kecoughtan), and in the third case no explanation is given beyond the fact that the local coroner does not conduct investigations in connection with such deaths.

In all but two cases services of a State notary are available on the premises, frequently furnished by an employee of the Veterans' Administration.

In three instances where the United States has exclusive jurisdiction with respect to punishment for crimes (Palo Alto, San Fernando, and San Francisco), the manager indicated that there was no requirement for the services of a United States commissioner in the administration of the premises. This may be explained by the fact that in these 3 instances, and in 6 others, services are rendered to the premises by local police, who presumably utilize the local system of judicial administration in processing offenders against the laws. Another explanation may lie in the sometimes considerable distance of installations from the nearest commissioner, who may be as far as 35 miles away (Livermore). In 1 of the only 5 cases in which local police do not render services (Roanoke) the manager suggests the advisability of a change in the status of his installation from exclusive to concurrent jurisdiction.

In 9 of the 14 reporting cases the Federal Government maintains fire-fighting equipment, but in each instance such equipment apparently is inadequate to cover all possible emergencies, since in each instance arrangements have been made on a reciprocal or other basis for assistance from local municipal or other fire-fighting equipment. In the five other cases fire-fighting protection is furnished only by equipment of the local municipality.

Agency views.—The policy of the Veterans' Administration with respect to the acquisition of legislative jurisdiction has for many years been to acquire exclusive jurisdiction where possible, except as to office buildings and some other types of buildings located in cities.

It was the consensus of the Administration that exclusive Federal legislative jurisdiction except as to some urban buildings in general best suits the requirements of the Veterans' Administration, although in some specific instances certain rights should be had by the States on a concurrent basis.

MISCELLANEOUS AGENCIES

Various agencies have reported to the Interdepartmental Committee that their landholdings, if any, either were insubstantial or were administered or controlled by other Government agencies. Accordingly, reports from these agencies are summarized together.

The following agencies reported that they administered or controlled no real estate within the purview of the study :

- (a) Arlington Memorial Amphitheater Commission.
- (b) National Capital Planning Commission.
- (c) Rubber Producing Facilities Disposal Commission.
- (d) Office of Defense Mobilization.
- (e) Farm Credit Administration, including Government-owned corporate units thereunder.

The following agencies reported that they occupied some property, generally office space, which was controlled and administered by other agencies. These latter agencies have presumably included the amounts thereof in their reports :

- (a) Department of Labor.
- (b) Railroad Retirement Board.
- (c) Federal Civil Defense Administration.
- (d) Department of State.
- (e) Federal Power Commission.
- (f) Civil Aeronautics Board.
- (g) Small Business Administration.
- (h) Post Office Department.

The following agency reported relatively small landholdings for which it is charged with the responsibilities of control and administration :

National Advisory Committee for Aeronautics. The extent of and types of jurisdiction relative to holdings of NACA can be summarized as follows :

Jurisdiction	Number of properties	Area
Exclusive.....	2	<i>Acres</i> 1 317.14
Concurrent.....	2	2 9,066
Partial.....		
Proprietary.....		

¹ Includes 67.77 acres held by permit from Department of the Navy.

² Includes 200 acres held by permit from Department of the Air Force.

In addition NACA occupies 16,000 square feet of space on lease from the Department of Defense (Air Force), for which no jurisdictional status was specified. The agency holds 8,869 acres in Virginia under concurrent jurisdiction, 39.37 acres in California under exclusive jurisdiction, and no acreage in Kansas.

The agencies listed in the immediately preceding paragraphs which occupied property were unanimous in stating that no difficulties had arisen with respect to the jurisdictional status under which they held their properties. Accordingly, no agency considered itself in a posi-

tion to comment upon the desirability of one type of Federal jurisdiction rather than another.

The St. Lawrence Seaway Corporation, in an interim reply to the Committee, reported that the land acquisition program on behalf of the Corporation had not been completed and that the Corporation itself was not as yet operating any works upon the St. Lawrence River. The reply further stated that while the officers and staff of that agency had been discussing for some time the various problems which might arise in connection with security, search, and seizure on the St. Lawrence River within the boundaries of the seaway, police jurisdiction along the locks and canals of the seaway, and similar problems, the Corporation had not as yet arrived at a policy determination with respect to these matters.

Tables I, II, and III, which follow, summarize some of the information obtained from the agencies through questionnaires A and B. Table I contains information as to the amount of real property held countrywide by Federal agencies and its legislative jurisdictional status. Table II contains similar information with respect to Federal real property located in the States of Virginia, Kansas, and California. Table III reports the number of residents (other than persons in the military service and inmates of institutions) and the number of children living on installations of the various Federal agencies in the three States concerning which information was sought.

TABLE I.

Agency	Number of prop- erties	Total	Exclusive	Partial	Concurrent	Proprietorial	Unknown
Treasury Department.....	1,669	*666,154 square feet, 9,248.6 acres.	1,671,551 acres.	1,030,489 acres	151,307 acres.	*666,154 square feet, 9,665 acres.	8,082 acres.
Department of the Army.....	*574	7,028,120 acres.	371,100 acres.	20,018 acres	10,968 acres	3,277,387 acres.	837,406 acres.
Department of the Air Force.....	180	6,367,498 acres.	*87,000 square feet, 2,018 acres.	153,080 acres.	214,821 acres.	5,744,836 acres.	
Department of the Navy.....	614	*3,417,714 acres.*	1,085,698 acres.			1,666,861 acres.	
Department of Justice.....	48	25,534.58 acres.	16,205.44	2,018.4 acres	5,664.08 acres	2,082.84 acres	4,349.9 acres.
Department of the Interior.....	1,070	*358,467 square feet, 8,175.46 acres.	2,973,882.08 acres.	5,241,509.14 acres		*358,467 square feet, 8,175.46 acres.	
Department of Agriculture.....	532	215,703,553.38 acres.	138,132.6 acres.	5,644,039.7 acres	8,406.6 acres	207,482,497.08 acres.	
Department of Commerce.....	265	*168,351,577 square feet, 3,845.063 acres.	*474,360 square feet, 10.8 acres.	618 acres		163,880,948.1 acres.	400.74 acres.
Department of Health, Edu- cation, and Welfare.....	37	3,845,063 acres.	3,503,534 acres.	70,829 acres		163.8 acres	82.9 acres.
Atomic Energy Commission.....	35	1,605,917.36 acres.	11,059 acres	682 acres	0.36 acres	1,594,076 acres.	
Central Intelligence Agency.....	2	570.3 acres.				570.3 acres.	
Federal Communications Commission.....	12	1,715.46 acres.	87.27 acres.			1,628.18 acres.	
General Services Adminis- tration.....	*3,904	*142,859,628 square feet, 3,268.015 acres.	*132,288,015 square feet, *3,011.848 acres	*3,857,297 square feet, 88.140 acres	*1,422,877 square feet, 3,241.848 acres	*3,170,924 square feet, 74.1 acres.	
Housing and Home Finance Agency.....	403	*17,205.28 acres				17,205.28 acres.	
International Boundary and Water Commission, United States and Mexico.....	7	99,284 acres			488 acres	98,796 acres	
Tennessee Valley Authority.....	487	*158,634 square feet, 3,612.23 acres.	*95,700 square feet, 2,185 acres.			*162,924 square feet, 3,738.371 acres.	
U. S. Information Agency.....	5	5,229.5 acres.				5,229.5 acres.	
Veterans' Administration.....	190	43,973,995 acres.	38,256.32 acres.	679 acres	1,787.3 acres	3,101,316 acres.	

* Includes only areas of known jurisdictional status.

* Building space.

* Does not include river and harbor and flood-control projects.

* Urban land.

* Total based on corrected figures furnished by Navy. Corrected breakdown by jurisdictional status not furnished by the Navy.

* Areas of these properties included in each type of jurisdiction are computed from the total percent of each type of classification and from the total area.

TABLE II

Agency	State	No. of proper- ties	Total	Exclusive	Partial	Concur- rent	Proprietorial	Unknown
Treasury Department...	California...	(?)	95,164 square feet; 1,113,954 acres.	1,104,194 acres		Acres	2.76 acres, 95,164 square feet.	7 acres.
	Kansas...	(?)	277,204 acres, 1.03 rod and 18 perch.	189.31 acres	18,729	0.42	68,625 acres, 1.03 rod and 18 perch.	0.22 acres.
Department of the Army	California...	49	1,049,900 acres.	23,244 acres	18,548		1,008,117 acres.	
	Kansas...	4	83,890 acres.	9,653 acres	74,327		1,909 acres.	
	California...	14	158,518 acres.	34,883 acres	122,614	32	2,114,028 acres.	
	California...	67	93,418 square feet, 2,435,154 acres ² .	186,309 acres	136,405			
Department of the Navy.	Kansas...	2	20,000 square feet; 4,157 acres.	4,157 acres				
	Virginia...	39	118,108 acres.	41,322 acres		3,633	73,150 acres	
Department of the Air Force.	California...	16	421,820 acres ³ .	100,792 acres	165,425		155,304 acres.	
	Kansas...	5	40,531 acres	169 acres	40,371			
	California...	2	9,003 acres.			9,003	107.7 acres.	
Department of Justice...	California...	8	151.74 acres	44.04 acres	768.21		(⁴)	
	Kansas...	1	798.21 acres				20,908,591 acres	37,185 acres.
	Virginia...	2	1,540.4 acres.	1,540.4 acres.	1,076,552	1,120	37,612 acres	10,907 acres.
Department of the Interior. ¹	California...	(?)	22,966,613 acres	944,165 acres	103		43,012 acres	
	Kansas...	(?)	48,712 acres	106,106 acres		7,198	19,078,476.1 acres	
	California...	36	246,406 acres.	218 acres			2,450 square feet,	
Department of Agriculture.	California...	12	19,078,094.1 acres				107,655.4 acres.	
	Kansas...	12	2,450 square feet; 107,655.4 acres.				1,382,305.8 acres.	2.5 acres.
	Virginia...	5	1,416,423.8 acres.	4,118 acres.	30,000		4,964.8 acres.	
Department of Commerce.	California...	30	4,967.3 acres.				3,045.93 acres	187 acres.
	Kansas...				616		5.6 acres.	
Department of Health, Education, and Welfare.	Virginia...	10	3,848.93 acres					
	California...	2	40,101 acres	34,501 acres				
	Kansas...	2						
Atomic Energy Commission.	Virginia...	(?)	22,112 acres	13,433 acres	8,679		34,224 acres	
	California...	2	34,905 acres		681			
	Kansas...						483 acres	
Central Intelligence Agency.	California...	1	483 acres					
	Virginia...	4	1,211 acres.				1,211 acres.	

Federal Communi- ties Commission.	California	2	7,700 square feet, 190 acres.			7,700 square feet, 190 acres.	
General Services Ad- ministration.	Kansas	(7)	1,020 square feet			1,020 square feet	
	Virginia	43	5,185,138 square feet,			885,038 square feet,	1,548,428 square feet,
	California		3,478.8 acres			22.5 acres.	3,411.4 acres.
	Kansas	7	409,469 square feet,		86,084 square feet,		0.46 acres.
Housing and Home Fi- nance Agency.	Kansas	16	0.8 acre				
	Virginia		9,737,304 square feet,				
	California	38	0.4 acre				
	Kansas	4	4,241.2 acres			4,241.2 acres	
International Boundary and Water Commis- sion, United States and Mexico.*	California	13	1,009.5 acres			1,009.5 acres	
	Kansas		7,708.3 acres			7,708.3 acres	
	Virginia						
Tennessee Valley Au- thority.	California						
	Kansas						
	Virginia	4	1,211 acres			1,211 acres	
	California	2	1,280 acres			1,280 acres	
United States Informa- tion Agency.	Kansas						
	Virginia						
	California	10	2,173 acres			240 acres	
	Kansas	3	1,117 acres			951 acres	
Veterans' Administra- tion.	California					472 acres	
	Kansas	2	687 acres			157 acres	
	Virginia						

* This total is 893 acres less than the total of the separate types of properties, the result of arithmetical errors.

† Total acreage given was 1,620 acres less than reported in jurisdictional breakdown.

‡ This total is 308 acres more than the total of the separate types of properties, resulting from an error in computation with respect to March Air Force Base, California.

§ One installation (Greenlee) of unknown area.

¶ Does not include Bureau of Indian Affairs.

‡ No land in any of the 3 States.

TABLE III.—*California, Kansas, and Virginia*

Agency	Residents	Schoolchildren	
		Military	Nonmilitary
Department of the Treasury.....	181	40	32
Department of the Army.....	20,991	7,323	1,416
Department of the Navy.....	37,595	13,684	2,449
Department of the Air Force.....	¹ 10,692	6,874	279
Department of Justice.....	333	—	120
Department of the Interior.....	2,132	—	524
Department of Agriculture.....	6,431	—	1,328
Department of Commerce.....	11	—	4
Department of Health, Education, and Welfare.....	125	—	29
Atomic Energy Commission.....	120	15	18
Central Intelligence Agency.....	—	—	—
Federal Communications Commission.....	—	—	—
General Services Administration.....	10	—	—
Housing and Home Finance Agency.....	(?)	26,422	16,263
International Boundary and Water Commission, United States and Mexico.....	—	—	—
Tennessee Valley Authority.....	—	—	—
United States Information Agency.....	—	—	—
Veterans' Administration.....	2,237	—	175

¹ Apparently excluding dependents of Armed Forces personnel in Kansas.

² Number of residents not indicated in report. However, it was indicated that there were 27,154 housing units in the 3 States concerned.

APPENDIX B

PART A. STATE CONSTITUTIONAL PROVISIONS AND STATUTES OF GENERAL EFFECT RELATING TO THE ACQUISITION OF LEGISLATIVE JURISDICTION BY THE UNITED STATES

ALABAMA

The Code of Alabama (adopted by act of the Legislature of Alabama, approved July 2, 1940) title 59, sections—

§ 1. (3147) (2413) (626) (19) (19) (22) (24) *The United States may acquire lands.*—The United States may acquire and hold lands within the limits of this state, as sites for forts, magazines, arsenals, dockyards, and other needful buildings, or either of them, as contemplated and provided by the constitution of the United States, which purchase may be made by contract with the owners, or as hereinafter provided. In like manner the United States may acquire and hold lands, rights of way, and material needed in maintaining, operating, or prosecuting works for the improvement of rivers and harbors within this state.

§ 3. (3162) (2428) (629) (22) (22) *Cession of sites covered by navigable waters.*—Whenever the United States desires to acquire title to land belonging to this state, and covered by the navigable waters of the United States, and within the limits of this state, for the site of a lighthouse, beacon, or other aid to navigation, and application is made therefor by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, then the governor of the state may convey the title to the United States, and may also cede to the United States such jurisdiction over the same as may be necessary for the purposes of the United States; and upon like application the governor may convey to the United States the title to any land belonging to this state and covered by the navigable waters of the United States upon which any lighthouse or other aid to navigation has heretofore been erected, and may also cede to the United States such jurisdiction over the same as may be necessary for the purpose of the United States; but no single tract shall contain more than ten acres.

§ 18. (3161) (2427) (628) (21) (21) (24) (23) *Governor to cede jurisdiction; restriction.*—The governor, upon application made to

him in writing on behalf of the United States for that purpose, accompanied by the proper evidence of title in the United States, describing the lands, is authorized on the part of the state by patent to be recorded in the office of the secretary of state to cede to the United States such jurisdiction as he may deem wise over such lands, to hold, to use, and occupy the same for the purposes of the cession, and none other.

§ 19. (3186) *Jurisdiction of United States over ceded lands.*—The jurisdiction heretofore ceded to the United States over any lands acquired by it within the State of Alabama, with the consent of the state, shall be subject to such reservations, restrictions, and conditions as provided in the act or instrument of cession relating to such acquisition; and shall be subject to the exercise by the state of such jurisdiction, rights, privileges, or powers as may now or hereafter be ceded by the United States to the state. The jurisdiction ceded to the United States over any lands hereafter acquired by it within the State of Alabama, with the consent of the state, pursuant to the provisions of this title or any other law of the state, unless otherwise expressly provided in the act or instrument of cession, shall be subject to the following reservations, restrictions, or conditions. The jurisdiction so ceded shall not prevent the execution upon such lands of any process, civil or criminal, issued under the authority of this state, except as such process might affect the property of the United States thereon. The state expressly reserves the right to tax all persons, firms, corporations, or associations now or hereafter residing or located upon such lands. The state expressly reserves the right to tax the exercise by any person, firm, corporation, or association of any and all rights, privileges, and franchises upon said lands; and to tax property of all persons, firms, corporations, or associations situated upon such lands. The jurisdiction ceded to the United States shall be for the purposes of the cession, and none other; and shall continue during the time the United States shall be or remain the owner thereof and shall use such lands for the purpose of the cession. The state expressly reserves the right to exercise over or upon any such lands any and all rights, privileges, powers, or jurisdiction which may now or hereafter be released or receded by the United States to the state.

ARIZONA

The act of March 27, 1951, codified as sections 11-602, 11-603, and 11-604 of the 1952 Cumulative Supplement to the Arizona Code Annotated, 1939:

(House Bill No. 264)

An act Granting the consent of the State of Arizona to the acquisition by the United States of land in this State for public purposes, and ceding jurisdiction over such land and over land reserved from the public domain in this State for military purposes

Be it enacted by the Legislature of the State of Arizona:

SECTION 1. The consent of the State of Arizona is hereby given, in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States, to the acquisition by the United States by purchase, lease, condemnation, or otherwise, of any land in this State required for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or for any other military installations of the government of the United States.

SEC. 2 Exclusive jurisdiction over any land in this State so acquired for any of the purposes aforesaid, and over any public domain land in this state, now or in the future reserved or used for military purposes, is hereby ceded to the United States; but the jurisdiction so ceded shall continue no longer than the said United States shall own or lease such acquired land, or shall continue to reserve or use such public domain land for military purposes.

SEC. 3. As to any land over which exclusive jurisdiction is herein ceded, the State of Arizona retains concurrent jurisdiction with the United States, so far, that all process, civil or criminal, issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed by the proper officers of the state, upon any person amenable to the same within the limits of such land, in like manner and like effect as if no such cession had taken place.

SEC. 4. All laws and parts of law in conflict with any of the provisions hereof are hereby repealed.

SEC. 5. EMERGENCY. To preserve the public peace, health, and safety, it is necessary that this Act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor—March 27, 1951.

Filed in the Office of the Secretary of State—March 27, 1951.

ARKANSAS

Arkansas Statutes, 1947, title 10, chapter 11, section—

10-1101. *Consent to purchase of real property by United States—Cession of jurisdiction.*—The State of Arkansas hereby consents to the purchase to be made or heretofore made, by the United States, of any site or ground for the erection of any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, lock, dam, fish hatcheries, or other public buildings of any kind whatever, and the jurisdiction of this State, within and over all grounds thus purchased by the United States, within the limits of this State, is hereby ceded to the United States.

Provided, that this grant of jurisdiction shall not prevent execution of any process of this State, civil or criminal, upon any person who thereof. [Act Apr. 29, 1903, No. 180, § 2, p. 346; C. & M. Dig., § 4565; Pope's Dig., § 5645.]

10-1102. *Relinquishment of right to tax.*—This State releases and relinquishes her right to tax any such site, grounds or real estate, and all improvements which may be thereon or thereafter erected thereon, during the time the United States shall be and remain the owner thereof. [Act Apr. 29, 1903, No. 180, § 2, p. 246; C. & M. Dig., § 4565; Pipe's Dig., § 5645.]

10-1103. *Consent to acquisition by United States of land for river improvements, canals and hydroelectric plants—Cession of jurisdiction.*—The consent of the State of Arkansas is given to the acquisition by the United States by purchase or condemnation with just compensation or by grant or otherwise, of such lands in the State of Arkansas as in the opinion of the federal government may be needed for the construction of dams, reservoirs, floodways, locks, canals, hydroelectric power plants, channel improvements, channel diversions, and for such other works as may be necessary for the control of floods, the development of hydroelectric power, the irrigation of lands, the conservation of the soil, recreation, and other beneficial water uses, and the jurisdiction of this state within and over all grounds thus acquired by the United States within the limits of the State of Arkansas is hereby ceded to the United States. Provided, that this grant of jurisdiction shall not prevent execution of any processes of this State, civil or criminal, on any person who may be on said premises. [Acts 1939, No. 327, § 1, p. 857.]

10-1104 *Lands purchased for national cemeteries.—Cession of jurisdiction.*—The jurisdiction of this State within and over all lands purchased by the United States on which national cemeteries may be established within the limits of this State is hereby ceded to the United States, so far as the permanent inclosures of such national cemeteries may extend and no further. [Act Feb. 21, 1867, No. 60, § 1, p. 153; C. & M. Dig., § 4553; Pope's Dig., § 5633.]

10-1107 *Congressional authority with respect to fish and game regulations in national forests—Enforcement.*—The consent of the State of Arkansas is given to the making by Congress of the United States or under its authority, of all such rules and regulations as the federal government may determine to be needful in respect to game animals, game and non-game birds and fish on or in and over national forest lands within the State of Arkansas, Provided however, that all such rules and regulations must be approved by the Game and Fish Commission before such rules and regulations can be enforced. The

authority to enforce such concurrent rules and regulations is hereby extended jointly to the federal government and to the Game and Fish Commission. [Acts 1925, No. 230, § 1, p. 675; Pope's Dig., §§ 5648, 6000; Acts 1941, No. 272, § 1, p. 711.]

CALIFORNIA

Constitution of the State of California, article XIV, section—

§ 4. *Water Rights of Government Agencies.*

Whenever any agency of government, local, state, or federal, hereafter acquires any interest in real property in this State, the acceptance of the interest shall constitute an agreement by the agency to conform to the laws of California as to the acquisition, control, use, and distribution of water with respect to the land so acquired. [New section added November 2, 1954.]

Deering's California Codes, Government Code, title I, division 1, chapter 1, sections—

§ 115. *Ceded jurisdiction limited by retrocession.* All jurisdiction ceded to the United States by this article is limited by the terms of any retrocession of jurisdiction heretofore or hereafter granted by the United States and accepted by the State.

§ 126. *Consent to acquisition of land by United States; Conditions; "Acquisition"; Application of section.* Notwithstanding any other provision of law, general or special, the Legislature of California consents to the acquisition by the United States of land within this State upon and subject to each and all of the following express conditions and reservations, in addition to any other conditions or reservations prescribed by law:

(a) The acquisition must be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purpose within the purview of clause 17 of Section 8 of Article I of the Constitution of the United States, or for the establishment consolidation and extension of national forests under the provisions of the act of Congress approved March 1, 1911, (36 Stat. 961) known as the "Weeks Act";

(b) The acquisition must be pursuant to and in compliance with the laws of the United States;

(c) The United States must in writing have assented to acceptance of jurisdiction over the land upon and subject to each and all of the conditions and reservations in this section and in Section 4 of Article XIV of the Constitution prescribed;

(d) The conditions prescribed in subdivisions (a), (b), and (c) of this section must have been found and declared to have occurred and to exist, by the State Lands Commission, and the commission

must have found and declared that such acquisition is in the interest of the State, certified copies of its orders or resolutions making such findings and declarations to be filed in the Office of the Secretary of State and recorded in the office of the county recorded of each county in which any part of the land is situate;

(e) In granting this consent, the Legislature and the State reserve jurisdiction on and over the land for the execution of civil process and criminal process in all cases, and the State's entire power of taxation including that of each state agency, county, city, city and county political subdivision or public district of or in the State; and reserve to all persons residing on such land all civil and political rights, including the right of suffrage, which they might have were this consent not given.

(f) This consent continues only so long as the land continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations in this section prescribed.

(g) Acquisition as used in this section means: (1) lands acquired in fee by purchase or condemnation, (2) lands owned by the United States that are included in the military reservation by presidential proclamation or act of Congress, and (3) leaseholds acquired by the United States over private lands or state-owned lands.

(h) In granting this consent, the Legislature and the State reserve jurisdiction over the land, water and use of water with full power to control and regulate the acquisition, use, control and distribution of water with respect to the land acquired.

The finding and declaration of the State Lands Commission provided for in subdivision (d) of this section shall be made only after a public hearing. Notice of such hearing shall be published once in a newspaper of general circulation in each county in which the land or any part thereof is situated and a copy of such notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Lands Commission shall make rules and regulations governing the conditions and procedure of such hearings, which shall provide that the cost of publication and service of notice and all other expenses incurred by the commission shall be borne by the United States.

The provisions of this section do not apply to any land or water areas heretofore or hereafter acquired by the United States for migratory bird reservations in accordance with the provisions of sections 375 to 380, inclusive, of the Fish and Game Code. [Amended by Stats. 1953, ch. 1856, § 1; Stats. 1955, ch. 649, § 1.]

§ 127. *Same; Index; Degree of United States jurisdiction.*—In addition to other records maintained by the State Lands Commission, the commission shall prepare and maintain an adequate index of record of documents with description of the lands over which the United States acquired jurisdiction pursuant to Section 126 of this code or pursuant to any prior state law. Said index shall record the degree of jurisdiction obtained by the United States for each acquisition.

Government Code, title 3, division 2, part 2, chapter 5, article 4, sections—

§ 25420. *Acquisition and conveyance of lands to United States for military purposes.* Pursuant to this article, the board of supervisors may acquire and convey lands to the United States for use for any military purposes authorized by any law of the United States, including permanent mobilization, training, and supply stations.

§ 25421. *Determination of desirability of incurring indebtedness.* Whenever the Secretary of War agrees on behalf of the United States to establish in any county a permanent mobilization, training, and supply station for any military purposes authorized by any law of the United States, on condition that land aggregating approximately a designated number of acres at such location or locations within the county as he from time to time selects or approves be conveyed to the United States with the consent of the State in consideration of the benefits to be derived by the county from the use of the lands by the United States for such purpose, the board may determine that it is desirable and for the general welfare and benefit of the people of the county and for the interest of the county to incur an indebtedness in an amount sufficient to acquire land in the county for such purposes.

§ 25432. *Consent of Legislature.* Pursuant to the Constitution and laws of the United States, and especially to paragraph 17 of Section 8 of Article 1 of such Constitution, the consent of the Legislature is given to the United States to acquire upon the conditions and for the purposes set forth in this article, from any county acting under this article, title to all lands referred to in this article.

§ 25433. *Evidence of title: Consent to exclusive legislation by Congress: Conditions subsequent.* The title shall be evidenced by a deed or deeds of the county, signed by the chairman of its board of supervisors and attested by the clerk of the county under seal, and the consent of the State is given to the exercise by Congress of exclusive legislation in all cases over any tracks or parcels of land conveyed to it pursuant to this article. The board may insert in every conveyance made pursuant to this article such conditions subsequent as it deems necessary to insure the use of the land by the United States for the purposes mentioned in and to carry out the provisions of this article.

Government Code, title 5, division 1, part 1, chapter 2, article 3, sections—

§ 50360. *Conveyance of land to United States for federal purposes: Acquisition of land.* The legislative body of a local agency may convey land which it owns within its boundaries to the United States to be used for federal purposes and may acquire land for this purpose pursuant to this article.

§ 50362. *Conveyance of land for use by War or Navy Department or as customs and immigration offices: Expenditure from general fund to acquire or improve land.* By a four-fifths vote the legislative body of a local agency may convey land which it owns within the State to the United States for use by the War Department, the Navy Department, or as customs and immigration offices and may expend money from the general fund to acquire such land or to improve the land it owns or has acquired and desires to convey to the United States.

§ 50367. *Consent of Legislature given to United States to acquire land.* The consent of the Legislature is given to the United States to acquire land upon the conditions and for the purposes set forth in this article.

§ 50370. *Exclusive jurisdiction ceded to United States: Concurrent jurisdiction reserved for certain purposes.* The Legislature cedes to the United States exclusive jurisdiction over land conveyed pursuant to this article, reserving concurrent jurisdiction with the United States for the execution of all civil and criminal process, issued under authority of the State as if a conveyance had not been made.

Public Resources Code, division 6, part 4, chapter 1, section—

§ 8301. *Authority to convey tract for site of lighthouse, beacon or other navigation aid: Jurisdiction over tract after conveyance.* The Governor, on application therefor by a duly authorized agent, may convey to the United States any tract of land not exceeding 10 acres, belonging to the State and covered by navigable waters, for the site of a lighthouse, beacon, or other aid to navigation. After conveyance, the United States shall have jurisdiction over the tract, subject to the right of the State to have concurrent jurisdiction so far that all process, civil or criminal, issued under authority of the State may be executed by the proper officers thereof within the tract, upon any person amenable thereto, in like manner and with like effect as if the conveyance had not been made.

Division 6, part 4, chapter 3, section—

§ 8401. *Authority to grant, transfer and convey property.* The boards of supervisors of the several counties may grant, transfer and convey, without consideration, any real property or interest therein

now owned or hereafter acquired by any county, to the United States to be used for national park purposes.

Deering's General Laws of the State of California, volume III, page 3393 :

Act 8835. Validation of Grants to United States for Military or Naval Purposes. [Stats. 1943, ch. 598.]

AN ACT Validating grants by municipal corporations or any State agency to the United States of America for military or naval purposes.

§ 1. Grants of property of municipal corporation ratified.

§ 2. Grants by State agency ratified.

§ 1. *Grants of property of municipal corporation ratified.* Every grant, including lease, to the United States of America for military or naval uses, of property of any municipal corporation heretofore made by any legislative body thereof, whether with or without consideration and whether or not previous authority for such grant or lease existed, hereby is ratified and validated; provided, that such grant or lease contains a reservation to the State of deposits of oil and gas and other hydrocarbon and mineral deposits and of rights of way for access to all such deposits as prescribed in Section 6402 of the Public Resources Code, except in the case where any such lands have been granted to such municipal corporation without reserving such deposits to the State.

§ 2. *Grants by State agency ratified.* Every grant and lease of real property of the State executed by any State agency to the United States of America for military or naval purposes, is hereby ratified and validated if it was approved by the Governor and if it reserved to the State the mineral deposits and right of way as described in Section 1 hereof.

Gen. Laws 107.

COLORADO

Colorado Revised Statutes 1953, chapter 142, article I, sections—

142-1-1. *Consent to acquisition of lands by United States.*—The consent of this state is hereby given to the purchase by the United States of such ground in the city of Denver, or any other city or incorporated town in this state, as its authorities may select, for the accommodation of the United States circuit and district courts, post offices, land offices, mints, or other government offices in said cities or incorporated towns, and also to the purchase by the United States of such other lands within this state as its authorities may from time to time select for the erection of forts, magazines, arsenals and other needful buildings.

142-1-2. *Consent to condemn land—when notice required.*—The consent of the state of Colorado is hereby given, in accordance with the seventeenth clause, eighth section of the first article of the constitution of the United States, to the acquisition by the United States, by pur-

chase, condemnation or otherwise, of any land in this state required for customhouses, courthouses, post offices, arsenals, or other buildings whatever, or for any other proper purpose of the United States government. Before any privately owned land in this state is acquired for any purpose other than for customhouses, courthouses, post offices, arsenals, or other governmental buildings, the United States shall give written notice of intention to acquire such land to the board of county commissioners of the county wherein such land is situated and to the Colorado tax commission, which notice shall be given at least thirty days prior to the date of such intended acquisition.

142-1-3. *Jurisdiction of United States over land.*—Exclusive jurisdiction in and over any land so acquired by the United States shall be and the same is hereby ceded to the United States for all purposes, except the service of all civil and criminal process of the courts of this state; but the jurisdiction so ceded shall continue no longer than the said United States shall own such land.

142-1-4. *When jurisdiction vests—tax exemption.*—The jurisdiction ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation or otherwise; and so long as the said lands shall remain the property of the said United States when acquired and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal taxation, assessment or other charges which may be levied or imposed under the authority of this state.

CONNECTICUT

The General Statutes of Connecticut, Revision of 1949, title II, chapter 7, section—

130. *Sites for beacon lights and other buildings.* The treasurer is authorized to execute on behalf of the state and deliver, with the approval of the governor, to the United States of America, a deed of any parcel of land belonging to the state, for the purpose of the erection and maintenance thereon of beacon lights and other buildings and apparatus to be used in aid of navigation. Any such deed shall contain a provision that if such lights, buildings and apparatus are not erected thereon within five years from the date of such deed, or if the government of the United States of America abandons the use of such land for such purposes, title to such land shall revert to the state. Jurisdiction of the state over any land deeded to the United States under the provisions of this section shall be ceded to the United States, provided the state shall retain concurrent jurisdiction with the United

States, for the sole purpose of serving and executing thereon civil and criminal process issued under any provision of the statutes.

Title LVII, chapter 360, section—

7172. *United States; ceding jurisdiction to.* The consent of the state of Connecticut is given, in accordance with the seventeenth clause, eighth section, of the first article of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in this state required for customhouses, courthouses, post offices, arsenals or other public buildings or for any other purposes of the government. Exclusive jurisdiction in and over any land so acquired by the United States is ceded to the United States for all purposes except the service of all civil and criminal process of the courts of this state; but the jurisdiction so ceded shall continue no longer than the United States shall own such land. The jurisdiction ceded shall not vest until the United States shall have acquired the title to such lands by purchase, condemnation or otherwise; and, so long as such lands shall remain the property of the United States when acquired as aforesaid, the same shall be exempt from all state, county and municipal taxation, assessment or other charges.

DELAWARE

Delaware Code Annotated, Title 29, Chapter I, Sections—

§ 101. *Territorial limitation.*—The jurisdiction and sovereignty of the State extend to all places within the boundaries thereof, subject only to the rights of concurrent jurisdiction as have been granted to the State of New Jersey or have been or may be granted over any places ceded by this State to the United States.

§ 102. *Consent to purchase of land by the United States.*—The consent of the Legislature of Delaware is given to the purchase by the Government of the United States, or under authority of such government, of any tract, piece or parcel of land, not exceeding ten acres in any one place or locality, for the purpose of erecting thereon light-houses and other needful public buildings whatsoever, and of any tract, piece or parcel of land, not exceeding 100 acres in any one place or locality, for the purpose of erecting thereon forts, magazines, arsenals, dockyards and other needful buildings, from any individuals, bodies politic or corporate, within the boundaries or limits of the State; and all deeds, conveyances, or title papers for the same shall be recorded as in other cases upon the land records of the county in which the land so conveyed may be situated; and in like manner may be recorded a sufficient description, by metes and bounds, courses and distances, of any tracts or legal divisions of any public land

belonging to the United States, which may be set apart by the general government for any or either of the purposes before mentioned, by an order, patent, or other official document or papers so describing such land. The consent herein given is in accordance with the eighteenth clause of the eighth section of the First Article of the Constitution of the United States, and with the Acts of Congress in such cases made and provided.

§ 103. *Cession of lands to the United States; taxation; reverter to State.*—(a) Whenever the United States shall desire to acquire a title to land of any kind belonging to this State, whether covered by the navigable waters within its limits or otherwise, for the site of any light-house, beacon, life-saving station, or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site or sites required therefor, the Governor may convey the site to the United States, and cede to the United States jurisdiction over the site. No single tract desired for any light-house, beacon, or other aid to navigation shall contain more than ten acres, or for any life-saving station more than one acre.

(b) All the lands, rights and privileges which may be ceded under subsection (a) of this section, and all the buildings, structures, improvements, and property of every kind erected and placed on such lands by the United States shall be exempt from taxation so long as the same shall be used for the purposes mentioned in subsection (a) of this section.

(c) The title of any land, which may be ceded under subsection (a) of this section, shall escheat and revert to the State, unless the construction thereon of the light-house, beacon, life-saving station or other aid to navigation, for which it is ceded, shall be commenced within two years after the conveyance is made, and shall be completed within ten years thereafter.

§ 104. *Execution of process on ceded territory.* The sovereignty and jurisdiction of this State shall extend over any lands acquired by the United States under the provisions of sections 101–103 of this title, to the extent that all civil and criminal process issued under authority of any law of this State may be executed in any part of the premises so acquired, or the buildings or structures thereon erected.

FLORIDA

Floria Statutes Annotated, title II, chapter 6, sections—

6.02 *United States authorized to acquire lands for certain purposes.*—The United States may purchase, acquire, hold, own, occupy and possess such lands within the limits of this state as they shall seek to occupy and hold as sites on which to erect and maintain forts,

arsenals, dockyards, and other needful buildings, or any other land contemplated and provided in the Constitution of the United States; such land to be acquired either by contract with the owner, or by condemnation in the manner hereinafter provided.

Condemnation of land when price not agreed upon.—If the owner of any land contemplated to be purchased, or any other agent employed by the United States to make such purchase, and the owner of the land contemplated to be purchased, as aforesaid, cannot agree for the sale and purchase thereof, the same may be acquired by the United States by condemnation in the same manner as is hereinafter provided for condemnation of lands for other public purposes, and any officer or agent authorized by the United States may institute and conduct such proceedings in their behalf.

6.04 Jurisdiction over such lands, how ceded to the United States.—Whenever the United States shall contract for, purchase or acquire any land within the limits of this state for the purposes aforesaid, in either of the modes above mentioned and provided, or shall hold for such purposes lands heretofore lawfully acquired or reserved therefor, and shall desire to acquire constitutional jurisdiction over such lands for said purposes, the governor of this state may, upon application made to him in writing on behalf of the United States for that purpose, accompanied by the proper evidence of said reservation, purchase, contract or acquisition of record, describing the land sought to be ceded by convenient metes and bounds, thereupon, in the name and on behalf of this state, cede to the United States exclusive jurisdiction over the land so reserved, purchased or acquired and sought to be ceded; the United States to hold, use, occupy, own, possess and exercise said jurisdiction over the same for the purposes aforesaid, and none other whatsoever; provided, always, that the consent aforesaid is hereby given and the cession aforesaid is to be granted and made as aforesaid, upon the express condition that this state shall retain a concurrent jurisdiction with the United States in and over the land or lands so to be ceded, and every portion thereof, so far that all process, civil or criminal, issuing under authority of this state, or of any of the courts or judicial officers thereof may be executed by the proper officers thereof, upon any person amenable to the same, within the limits and extent of lands so ceded, in like manner and to like effect as if this law had never been passed; saving, however, to the United States security to their property within said limits and extent, and exemption of the same, and of said lands from any taxation under the authority of this state while the same shall continue to be owned, held, used and occupied by the United States for the purposes above expressed and intended, and not otherwise.

6.05 *Transfer of title to and jurisdiction over land owned by state.*—

Whenever a tract of land containing not more than four acres shall be selected by an authorized officer or agent of the United States for the bona fide purpose of erecting thereon a lighthouse, beacon, marine hospital or other public work, and the title to the said land shall be held by the state, then on application by the said officer or agent to the governor of this state, the said executive may transfer to the United States the title to, and jurisdiction over, said land; provided, always that the said transfer of title and jurisdiction is to be granted and made, as aforesaid, upon the express condition that this state shall retain a concurrent jurisdiction with the United States, in and over the lands so to be transferred, and every portion thereof, so far that all process, civil or criminal, issuing under authority of this state, or any of the courts or judicial officers thereof, may be executed by the proper officer thereof, upon any person amenable to the same, within the limits and extent of the lands so ceded, in like manner and to like effect as if this law had never been passed; saving, however, to the United States, security to their property within said limits or extent. The said lands shall hereafter remain the property of the United States and be exempt from taxation as long as they shall be needed for said purposes.

Title VI, chapter 46, section—

46.12 *Military, naval or other service as residence.*—Any person in any branch of service of the government of the United States, including military and naval service, and the husband or the wife of any such person, if he or she be living within the borders of the State of Florida, shall be deemed prima facie to be a resident of the State of Florida for the purpose of maintaining any suit in chancery or action at law. Laws 1943, c. 21966, § 1.

GEORGIA

Constitution of the State of Georgia of 1945, article VI, section XIV, chapter 2-49—

2-4901. (6538) paragraph 1. *Divorce cases.*—Divorce cases shall be brought in the county where the defendant resides, if a resident of this state; if the defendant be not a resident of this state, then in the county in which the plaintiff resides, provided, that any person who has been a resident of any United States Army Post or military reservation within the State of Georgia for one year next preceding the filing of the petition may bring an action for divorce in any county adjacent to said United States Army Post or military reservation.

The Code of Georgia of 1933, sections—

15-301. (25) *Cession to the United States of land for public buildings, forts, etc.*—The consent of the State is hereby given, in accordance with the 17th clause, section 8, of article 1, of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any lands in this State which have been or may hereafter be acquired for sites for customs houses, courthouses, post offices, or for the erection of forts, magazines, arsenals, dockyards, and other needful buildings. (Acts 1906, p. 126; 1927, p. 352.)

15-302. (26) *Jurisdiction.*—Exclusive jurisdiction in and over any lands so acquired by the United States is hereby ceded to the United States for all purposes except service upon such lands of all civil and criminal process of the courts of this State; but the jurisdiction so ceded shall continue no longer than said United States shall own such lands. The State retains its civil and criminal jurisdiction over persons and citizens in said ceded territory, as over other persons and citizens in this State, except as to any ceded territory owned by the United States and used by the Department of Defense, but the State retains jurisdiction over the regulation of public utility services in any ceded territory. Nothing herein shall interfere with the jurisdiction of the United States over any matter or subjects set out in the acts of Congress donating money for the erection of public buildings for the transaction of its business in this State, or with any laws, rules, or regulations that Congress may adopt for the preservation and protection of its property and rights in said ceded territory, and the proper maintenance of good order therein. (Acts 1890-1, p. 201; 1927, p. 352; 1952, p. 264.)

15-303. *Time of vesting of jurisdiction; redemption of lands from taxation.*—The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation, or otherwise; and as long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all State, county, and municipal taxation, assessment, or other charges which may be levied or imposed under authority of the State. (Acts 1927, p. 352.)

30-107. (2950) *Period of petitioner's residence in State.*—No court shall grant a divorce of any character to any person who has not been a bona fide resident of the State six months before the filing of the application for divorce: Provided, that any person who has been a resident of any United States army post or military reservation within the State of Georgia for one year next preceding the filing of the petition may bring an action for divorce in any county adjacent to said

United States army post or military reservation. (Acts 1893, p. 109; 1939, p. 203; 1950, p. 429.)

45-336. *Federal game regulations on United States Government lands in Georgia; consent of State.*—The consent of the General Assembly is hereby given to the making by Congress of the United States, or under its authority, of all such rules and regulations as the Federal Government shall determine to be needful in respect to game animals, game and non-game birds, and fish on such lands in the northern part of Georgia as shall have been, or may hereafter be, purchased by the United States under the terms of the Act of Congress of March 1, 1911, entitled, "An Act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers" (36 United States Statutes at Large, page 961), and Acts of Congress supplementary thereto and amendatory thereof, and in or on the waters thereof. (Acts 1922, p. 106.)

IDAHO

Idaho Code containing the General Laws of Idaho Annotated (Published by authority of Laws 1947, chapter 224) chapter 7, sections—

58-701. *Military lands—Yellowstone National Park lands—Cession—Jurisdiction for execution of process reserved.*—Pursuant to article 1, section 8, paragraph 17, of the Constitution of the United States, consent to purchase is hereby given, and exclusive jurisdiction ceded, to the United States over and with respect to all lands embraced within the military posts and reservations of Fort Sherman and Boise Barracks, together with such other lands in the state as may be now or hereafter acquired and held by the United States for military purposes, either as additions to the said posts or as new military posts or reservations which may be established for the common defense; and, also, all such lands within the state as may be included in the territory of the Yellowstone National Park, reserving, however, to the state a concurrent jurisdiction for the execution, upon said lands, or in the buildings erected thereon, of all process, civil or criminal, lawfully issued by the courts of the state, and not incompatible with this cession. [1890-1891, p. 40, § 1; reen. 1899, p. 22, § 1; reen. R. C. & C. L., § 27; C. S., § 70; I. C. A., § 56-601.]

58-702. *Consent to purchases by United States—Jurisdiction for execution of process reserved.*—Consent is given to any purchase already made, or that may hereafter be made, by the government of the United States, of any lots, or tracts of land, within this state, for the use of such government, and to erect thereon and use such buildings,

or other improvements, as may be deemed necessary by said government; and over such lands and the buildings, or improvements, that are, or may be, erected thereon, the said government shall have entire control and jurisdiction, except that the state shall have jurisdiction to execute thereon all process, civil or criminal, lawfully issued by the courts of this state, and not incompatible with this cession. [1895, p. 21, § 1; reen. 1899, p. 235, § 1; reen. R. C. & C. L., § 28; C. S., § 71; I. C. A., § 56-602.]

58-705. *Consent to land purchase for migratory labor homes projects—Jurisdiction.*—Consent is given to any purchase already made, or that may hereafter be made, by the government of the United States of any lots, or tracts of land within this state, for migratory labor homes projects; and over such lands and the buildings or improvements that are, or may hereafter be, erected thereon the United States shall have entire control and jurisdiction, except that the state shall have jurisdiction to execute thereon any process, civil or criminal, lawfully issued by the courts of this state, and not incompatible with this cession. [1943, ch. 152, § 1, p. 308.]

ILLINOIS

The two acts of July 10, 1953, repealed all other pertinent statutes.

An act to repeal "An Act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within this State, and authorizing the acquisition thereof", approved April 11, 1899

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. "An Act ceding to the United States exclusive jurisdiction over certain lands acquired for public purposes within this state, and authorizing the acquisition thereof," approved April 11, 1899, is repealed. (Approved July 10, 1953. Ill. Rev. Stat., Vol. 2, p. 1430.)

An act to repeal "An Act in relation to the acquisition of land in the State by the United States for governmental purposes", approved June 30, 1923

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. "An Act in relation to the acquisition of land in the State by the United States for governmental purposes," approved June 30, 1923 is repealed. (Approved July 10, 1953. Ill. Rev. Stat., Vol. 2, p. 1430.)

Jones Illinois Statutes Annotated, chapter 137, sections—

An act granting to the Government of the United States the right to enter upon and take possession of such small tracts or parcels of land lying within the State of Illinois, and on the waters of the Ohio and Wabash rivers, as may be necessary to facilitate the improvement of said rivers. (Approved April 15, 1875. In force July 1, 1875. L. 1875, p. 88.)

Preamble.] Whereas, the government of the United States has begun, and will probably continue the improvement of the Ohio and Wabash rivers; and whereas, it may be advisable, for the removal of all doubts as to the right of the general government to acquire real estate and establish public works within the limits of any State without the consent of such State: therefore,

137.02 *Consent of State given United States to enter land to improve Ohio and Wabash rivers.*] SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the consent of the State of Illinois be and is hereby given to the government of the United States to enter upon such small parcels or tracts of land lying on the bank of the Ohio and Wabash rivers, within the State of Illinois, as may be necessary for the construction of locks, lock-keepers' dwellings, and abutments or other works, to be used to facilitate the improvement of the channels of said rivers.

137.03 *Eminent domain.*] § 2. All cases of damages that may arise under the provisions of this Act shall be settled as provided for in "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872. In force July 1, 1872.

For act referred to in text of this section, see 109.248—109.261.

137.04 *Exclusive jurisdiction ceded.*] § 3. Exclusive jurisdiction is hereby ceded to the United States over all or any lands acquired under the provisions of this Act.

INDIANA

Burns Indiana Statutes Annotated (1951 Replacement), title 62, chapter 10, sections—

62-1001 [13993]. *Jurisdiction ceded to United States.*—The jurisdiction of this state is hereby ceded to the United States of America over all such pieces or parcels of land within the limits of this state as have been or shall hereafter be selected and acquired by the United States for the purpose of erecting post-offices, custom-houses or other structures exclusively owned by the general government and used for its purposes: Provided, That an accurate description and plat of such lands so acquired, verified by the oath of some officer of the general government having knowledge of the facts, shall be filed with the governor of the state; And, provided further, That this cession is upon the express condition that the state of Indiana shall so far retain concurrent jurisdiction with the United States in and over all lands acquired or hereafter acquired as aforesaid that all civil and criminal process issued by any court of competent jurisdiction or officer having authority of law to issue such process, and all orders made by such court or any judicial officer duly empowered to make such orders and necessary to be served upon any person, may be executed upon said

lands, and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid [Acts 1883, ch. 7, § 1, p. 8.]

62-1002 [13994]. *Exemption from taxation—Limitations.*—The lands aforesaid, when so acquired, shall forever be exempt from all taxes and assessments so long as the same shall remain the property of the United States: Provided, however, That this exemption shall not extend to or include taxes levied by the state of Indiana upon the gross receipts or income of any person, firm, partnership, association, or corporation which is received on account of the performance of contracts or other activities upon such lands or within the boundaries thereof. [Acts 1883, ch. 7, § 2, p. 8; 1901, ch. 158, § 1, p. 344; 1941, ch. 211, § 1, p. 641.]

62-1003 [13995]. *Light-house sites—Jurisdiction ceded to United States.*—Whenever the United States desires to acquire title to land belonging to the state, and covered by the navigable waters of the United States, within the limits thereof, for the site of a light-house, beacon, or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for one [1] of the purposes aforesaid, then the governor of the state is authorized and empowered to convey the title to the United States, and to cede to the said United States jurisdiction over the same: Provided, No single tract shall contain more than ten [10] acres, and that the state shall retain concurrent jurisdiction so far that all process, civil or criminal, issuing under the authority of the state, may be executed by the proper officers thereof upon any person or persons amenable to the same, within the limits of the land so ceded, in like manner and to like effect as if this act [section] had never been passed. [Acts 1875 (Spec. Sess.), ch. 14, § 1, p. 60.]

62-1007 [13999]. *Condemnation by United States for river improvements.*—Whenever the United States shall begin the improvement of any navigable river within or bordering upon this state, by means of locks, dams and adjustable chutes, the consent of the state of Indiana is hereby given to the acquisition, by the United States, by purchase or by condemnation, in the manner hereinafter provided, of any lands, buildings, or other property necessary for the purpose of erecting thereon dams, abutments, locks, lock-keepers' houses, chutes, and other necessary structures for the construction and maintenance of slack-water navigation on said rivers; and the United States shall have, hold, use, and occupy the said land or lands, buildings and other property, when purchased or acquired as provided by this act [§§ 62-1007—62-1009], and shall exercise jurisdic-

Preamble | Whereas, the government of the United States has begun, and will probably continue the improvement of the Ohio and Wabash rivers; and whereas, it may be advisable, for the removal of all doubts as to the right of the general government to acquire real estate and establish public works within the limits of any State without the consent of such State: therefore,

[ARTICLE. Consent of State given United States to enter land to improve Ohio and Wabash rivers.] SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* the consent of the State of Illinois be and is hereby given to the government of the United States to enter upon such small parcels, tracts of land lying on the bank of the Ohio and Wabash rivers, within the State of Illinois, as may be necessary for the construction of locks, levees, dwellings, and abutments or other works, to be used to facilitate the improvement of the channels of said rivers.

[ARTICLE. Eminent Domain.] § 2. All cases of damages that may arise under the provisions of this Act shall be settled as provided for in "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872. In force July 1, 1872.

The act referred to in text of this section, see 109, 245—109, 261. [ARTICLE. Exclusive Jurisdiction.] § 3. Exclusive jurisdiction over all lands acquired by the United States over all or any lands acquired by the government of the State.

END OF

lands, and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid [Acts 1883, ch. 7, § 1, p. 8.]

62-1002 [13994]. *Exemption from taxation—Limitations.*—The lands aforesaid, when so acquired, shall forever be exempt from all taxes and assessments so long as the same shall remain the property of the United States: Provided, however, That this exemption shall not extend to or include taxes levied by the state of Indiana upon the gross receipts or income of any person, firm, partnership, association, or corporation which is received on account of the performance of contracts or other activities upon such lands or within the boundaries thereof. [Acts 1883, ch. 7, § 2, p. 8; 1901, ch. 158, § 1, p. 344; 1941, ch. 211, § 1, p. 641.]

62-1003 [13995]. *Light-house sites—Jurisdiction ceded to United States.*—Whenever the United States desires to acquire title to land lying on the navigable waters of the United States, within the limits thereof, for the site of a light-house, buoy, or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for [1] of the purposes aforesaid, then the governor of the state is authorized and empowered to convey the title to the United States, and to cede to the said United States jurisdiction over the same: Provided, that no single tract shall contain more than ten [10] acres, and that the United States shall retain concurrent jurisdiction so far that all process, civil or criminal, issuing under the authority of the state, may be executed by the proper officers thereof upon any person or persons amenable to law, within the limits of the land so ceded, in like manner and to the same effect as if this act [section] had never been passed. [Acts 1875, ch. 14, § 1, p. 60.]

62-1007 [13999]. *Condemnation by United States for river improvements.*—Whenever the United States shall begin the improvement of any navigable river within or bordering upon this state, by the construction of locks, dams and adjustable chutes, the consent of the state of Indiana is hereby given to the acquisition, by the United States, by purchase or by condemnation, in the manner hereinafter provided, of any lands, buildings, or other property necessary for the purpose of erecting thereon dams, abutments, locks, lock-keepers' houses, chutes, and other necessary structures for the construction and maintenance of slack-water navigation on said rivers; and the United States shall have, hold, use, and occupy the said land or lands, buildings and other property, when purchased or acquired as provided by this act [§§ 62-1007—62-1009], and shall exercise jurisdic-

6.05 *Transfer of*

Whenever a tract of land is selected by an authority for a bona fide purpose of a hospital or other project held by the state, the governor of this state States the title to, and that the said transfer made, as aforesaid, retain a concurrent interest in the lands so to be transferred in all process, civil or criminal, or any of the courts or proper officer thereof within the limits and extent of effect as if this law of the United States, secured. The said lands shall be exempted from States and be exempted from said purposes.

Title VI, chapter

46.12 *Military, naval*
any branch of service in the military and naval service of such person, if he or she is a resident of Florida, shall be deemed to be a resident of Florida for the purpose of this law. Laws 1943, c.

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Art. V, chapter 2-49—

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 1007—62—1009], and shall exercise jurisdic-

tion and control over the same. [Acts 1875 (Spec. Sess.), ch. 34, § 1, p. 81.]

62-1008 [14000]. *Proceedings, how had.*—If the United States shall determine to take the lands, buildings or other property necessary for the purposes mentioned in the preceding section, and can not agree with the owner or owners of such land, buildings or other property as to the amount of compensation to be made for such taking, the circuit court having jurisdiction in the county where such lands, buildings or other property are situated, upon application by either the United States or the said owner or owners, or any one in behalf of either, shall appoint three [3] disinterested freeholders to ascertain and determine the amount of compensation to be paid to such owner or owners, who shall make a report to the said court of their award, on or before the first term next after their appointment: *Provided*, That the said United States shall not be authorized to take possession or use or occupy the lands, buildings or other property taken under the provision of this section until the amount of said award shall be paid to the owner or owners thereof: And provided, further: That the said court may set aside the report of said viewers, upon being satisfied that the amount of said award is excessive. [Acts 1875 (Spec. Sess.), ch. 34, § 2, p. 81.]

62-1009 [14001]. *Penalty for injuring acquired property.*—If any person or persons shall wilfully or maliciously injure any of the lands, buildings or other property acquired or held under the provisions of this act [§§ 62-1007—62-1009], such person or persons shall be liable to a fine of not less than twenty dollars [\$20.00] and to an imprisonment of not exceeding six [6] months, or both or either, at the discretion of the court—said offense to be prosecuted and punished in any court of competent jurisdiction. [Acts 1875 (Spec. Sess.), ch. 34, § 3, p. 81.]

62-1010 [14002]. *United States may purchase for Ohio or Wabash River improvements.*—The consent of the legislature of the state of Indiana is hereby given to the purchase, by the government of the United States, or under the authority of the same, of any tract, piece or parcel of land from any individual or individuals, bodies politic or corporate, on the banks of the Ohio or Wabash River, within the limits of this state, for the purpose of creating thereon locks, dams, abutments, lock-keepers' dwellings, or other structures which may be necessary in connection with the improvement of the said river; and all deeds and conveyances of title-papers for the same shall be recorded as in other cases upon the land records of the county in which the lands so conveyed may be—the consent herein and hereby given being in accordance with the seventeenth clause of the eighth section

of the first article of the Constitution of the United States, and with the acts of congress in such cases made and provided. [Acts 1877, ch. 50, § 1, p. 90.]

62-1011 [14003]. *Condemnation.*—In case of failure of the United States to agree with the owner or owners of any such land as the United States may deem necessary for the purposes named in the preceding section, within this state, it shall be lawful for the United States to apply for the condemnation of such land, not exceeding ten [10] acres in any one [1] place, by petition to any judge of a court of record of this state in or nearest to the county where the land may be situated, either in term time or vacation, notice of the time and place of such application having been first duly given by publication for thirty [30] days prior to the day of such application in some newspaper of general circulation published in the county where the land lies, or, if the owner or owners reside in the state of Indiana, by personal service upon the owner or owners of such land at least twenty [20] days prior to such application, and thereupon it shall be lawful for such judge to appoint three [3] disinterested freeholders of the county where such land lies as commissioners, who, having been first duly sworn to well and truly appraise the damages due the owner or owners of said land so proposed to be taken, shall report, in writing, to said judge the amount of damages to be paid to the owner or owners of said land, which report, upon confirmation by said judge, shall be held final and binding upon such owner or owners, and upon the amount of such damages being paid to the owner or owners of said land, the title of said land shall vest in the United States. Exclusive jurisdiction and right of assessment and taxation is hereby ceded to the United States over any lands acquired under the provisions of this act [§§ 62-1010—62-1012] and over the buildings or property of the United States situated thereon [Acts 1877, ch. 50, § 2, p. 90.]

62-1012 [14004]. *Process of state courts.*—This act [§§ 62-1010—62-1012] shall not be construed in such manner as to debar or hinder the process of any court or judge of this state from running within the boundaries of the lands so acquired by the United States, or over any part of such land, for any longer time than the said lands shall be used for the purposes aforesaid. [Acts 1877, ch. 50, § 3, p. 90.]

62-1013 [14005]. *Condemnation by United States.*—Whenever the United States of America shall desire to acquire title to a tract of land in the state of Indiana, for any purpose, and the said state shall have given its consent to such acquisition, it shall be lawful for the said United States to acquire title to such tract of land by condemnation in the manner hereinafter provided. [Acts 1875, ch. 115, § 1, p. 163.]

62-1021. *Consent of state to acquisition of land.*—The consent of the state of Indiana is hereby given to the acquisition by the United States of America by purchase, gift, or condemnation with adequate compensation such lands in the state of Indiana as the United States of America may desire to purchase and acquire, pursuant to any act of Congress for the acquisition, establishment, maintenance, and development of fish hatcheries, wild life preserves, forest preserves, or for agricultural, recreational, or experimental uses. [Acts 1937, ch. 52, § 1, p. 291.]

62-1022. *Powers granted United States of America.*—The United States of America is hereby granted all the power and authority necessary for the maintenance, development, control, and administration of such lands as may be acquired by virtue of this act [§§ 62-1021-62-1027] through its officers, agents, or employees, or through cooperative agreement with the department of conservation of the state of Indiana, except as herein otherwise provided. [Acts 1937, ch. 52, § 2, p. 291.]

62-1024. *Concurrent jurisdiction—Exclusive rights retained by state—Exception.*—(a) The state of Indiana shall retain concurrent jurisdiction with the United States in and over lands so acquired, so far that civil process in all cases and such criminal process as may issue under the authority of the state of Indiana against any person charged with the commission of any crime, without or within said jurisdiction, may be executed thereon in the same manner as if this act [§§ 62-1021-62-1027] had not been passed.

(b) The state of Indiana shall retain the exclusive right to regulate the taking, killing, or hunting of wild birds or wild animals, except migratory birds, on any and all land acquired by the United States under the provisions of this act in the same manner and to the same extent as it may lawfully regulate the taking, killing, or hunting of wild birds or wild animals on land owned by the state and used for conservation purposes. [Acts 1937, ch. 52, § 4, p. 291.]

IOWA

The Code of Iowa, 1954, title 1, chapter 1, sections—

1.2 *Sovereignty.* The state possesses sovereignty coextensive with the boundaries referred to in section 1.1, subject to such rights as may at any time exist in the United States in relation to public lands, or to any establishment of the national government. [C51, § 2; R60, § 2; C73, § 2; C97, § 2; C24, 27, 31, 35, 39, § 2; C46, 50, § 1.2].

1.3 *Concurrent jurisdiction.* The state has concurrent jurisdiction on the waters of any river or lake which forms a common boundary be-

tween this and any other state. [C51, § 3; R60, § 3; C73, § 3; C97, § 3; C24, 27, 31, 35, 39, § 3; C46, 50, § 1.3].

See act of congress, Aug. 4, 1846 [9 Stat. L., p. 56].

1.4 Acquisition of lands by United States. The United States of America may acquire by condemnation or otherwise for any of its uses or purposes any real estate in this state, and may exercise jurisdiction thereover but not to the extent of limiting the provisions of the laws of this state.

This state reserves, when not in conflict with the constitution of the United States or any law enacted in pursuance thereof, the right of service on real estate held by the United States of any notice or process authorized by its laws; and reserves jurisdiction, except when used for naval or military purposes, over all offenses committed thereon against its laws and regulations and ordinances adopted in pursuance thereof.

Such real estate shall be exempt from all taxation, including special assessments, while held by the United States except when taxation of such property is authorized by the United States. [R60, §§ 2197, 2198; C73, § 4; C97, § 4; S13, §§ 4a-4d, 2024c; C24, 27, 31, 35, 39, § 4; C46, 50, § 1.4].

Title XVI, chapter 427, section—

427.1 Exemptions. The following classes of property shall not be taxed:

1. *Federal and state property.* The property of the United States and this state, including university, agricultural college, and school lands. The exemption herein provided shall not include any real property subject to taxation under any federal statute applicable thereto, but such exemption shall extend to and include all machinery and equipment owned exclusively by the United States or any corporate agency or instrumentality thereof without regard to the manner of the affixation of such machinery and equipment to the land or building upon or in which such property is located, until such time as the congress of the United States shall expressly authorize the taxation of such machinery and equipment.

KANSAS

General Statutes of Kansas, Annotated, 1949 (Authenticated by the Attorney General and Secretary of State of the State of Kansas)

Chapter 27, article 1, sections—

27-101. *Consent given to the United States to acquire land.* That the consent of the state of Kansas is hereby given, in accordance with the provisions of paragraph number seventeen, section eight, article

one of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in the state of Kansas, which has been, or may hereafter be, acquired for custom houses, courthouses, post offices, national cemeteries arsenals, or other public buildings, or for other purpose of the government of the United States. [L. 1927, ch. 206, § 1; March 17.]

27-102. *Jurisdiction.* That exclusive jurisdiction over and within any lands so acquired by the United States shall be, and the same is hereby, ceded to the United States, for all purposes; saving, however, to the state of Kansas the right to serve therein any civil or criminal process issued under the authority of the state, in any action on account of rights acquired, obligations incurred or crimes committed in said state, but outside the boundaries of such land; and saving further to said state the right to tax the property and franchises of any railroad, bridge or other corporations within the boundaries of such lands; but the jurisdiction hereby ceded shall not continue after the United States shall cease to own said lands. [L. 1927, ch. 206, § 2; March 17.]

27-102a. *Exemption from taxation.* That the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to said lands; and as long as said lands shall remain the property of the United States, the same shall be exempt from all state, county and municipal taxes. [L. 1927, ch. 206, § 3; March 17.]

27-102b. *Taxing certain property upon military reservations.* The property of any private corporation engaged in the business of owning or operating housing projects upon United States military reservations in this state shall be assessed and taxed annually, and the county in which the housing project lies geographically as determined by the descriptions set out in chapter 18 of the General Statutes of 1949 shall have jurisdiction over such housing projects for the purposes of taxation. [L. 1951, ch. 506, § 1; Feb. 28.]

27-102c. *Same; property declared personalty; collection.* For the purposes of valuation and taxation, all buildings, fixtures and improvements of such housing projects on such military reservations are hereby declared to be personal property and shall be assessed and taxed as such, and the taxes imposed on such buildings, fixtures and improvements shall be collected by levy and sale of the interest of such owner, in the same manner as provided in other cases for the collection of taxes on personal property. [L. 1951, ch. 506, § 2, Feb. 28.]

Chapter 60, article 15, section—

60-1502. *Residence of plaintiff.*—The plaintiff in an action for divorce must have been an actual resident in good faith of the state for

one year next preceding the filing of the petition, and a resident of the county in which the action is brought at the time the petition is filed, unless the action is brought in the county where the defendant resides or may be summoned: *Provided*, That any person who has been a resident of any United States army post or military reservation within the state of Kansas for one year next preceding the filing of the petition may bring an action for divorce in any county adjacent to said United States army post or military reservation. [L. 1909, ch. 182, § 664; R. S. 1923, § 60-1502; L. 1933, ch. 216, § 1; June 5.]

KENTUCKY

Kentucky Revised Statutes, 1953, as amended by the Act of March 13, 1954, sections—

SECTION 1. KRS 3.010 is amended to read as follows: "The Commonwealth of Kentucky consents to the acquisition by the United States of all lands and appurtenances in this state, by condemnation, gift or purchase, which are needful to their constitutional purposes, but said acquisition shall not be deemed to result in a cession of jurisdiction by this Commonwealth."

SECTION 2. Whenever the United States, or any agency thereof, shall request the Commonwealth to cede jurisdiction over any area, it shall be the duty of the Governor to transmit such request to the next session of the General Assembly for such action as it may deem proper.

SECTION 3. Whenever the United States accepts the cession of jurisdiction over any area, the letter of acceptance shall be entered upon the Executive Journal.

SECTION 4. The Commonwealth consents to any retrocession by the United States of lands within its geographical boundaries whenever the United States shall have ceased to exercise exclusive or special jurisdiction over such lands. Inter alia, the conveyance of lands to private owners shall be deemed to constitute a retrocession of jurisdiction.

Approved March 13, 1954.

3.020 [2376a-1; 2376b-1; 2376c-1, 2376e-2; 2739f-2; 2739f-8; 3766e-17; 3766e-30] *Jurisdiction retained for execution of process.* Kentucky retains jurisdiction for the execution of process, issued under its authority, over all lands in Kentucky heretofore or hereafter ceded to or acquired by the United States for the erection or establishment of post offices, custom houses, courthouses, locks, dams, canals, parks, cemeteries or forest reserves.

LOUISIANA

Louisiana Revised Statutes of 1950, title 52, chapter 1, section—

§ 1. *Consent of state to acquisition.*—The United States, in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States, may acquire and occupy any land in Louisiana required for the purposes of the Federal Government. The United States shall have exclusive jurisdiction over the property during the time that the United States is the owner or lessee of the property. The property shall be exempt from all taxation, assessments, or charges levied under authority of the state.

The state may serve all civil and criminal process issuing under authority of Louisiana on the property acquired by the United States.

(Source: Acts 1892, No. 12, §§ 1, 2; Acts 1942, No. 31, § 1.)

Title 56, chapter 2, section—

§ 711. *Protection of watersheds of navigable streams.*—The consent of the State of Louisiana is given to the Congress of the United States to make or to authorize the proper authorities of the Government of the United States to make such rules and regulations as the Government of the United States determines to be needful in respect to game animals, fish, and game and non-game birds on such lands and in the waters thereof situated in the state as are purchased by the United States under the terms of the Act of Congress of March 1, 1911, entitled "An Act to enable any State to cooperate with any other state or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers", and Act of Congress supplementary thereto and amendatory thereof.

(Source: Acts 1940, No. 52, § 1.)

MAINE

Revised Statutes of the State of Maine, 1954, chapter 1, sections—

SEC. 1. *Sovereignty and jurisdiction.*—The jurisdiction and sovereignty of the state extend to all places within its boundaries, subject only to such rights of concurrent jurisdiction as are granted over places ceded by the state to the United States. (R. S. c. 1, § 1.)

SEC. 2. *Sovereignty in space.*—Sovereignty in the space above the lands and waters of the state is declared to rest in the state, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of this state. (R. S. c. 1, § 2.)

SEC. 5. *State processes executed in places ceded.*—Civil, criminal and military processes, lawfully issued by an officer of the state, may

be executed in places ceded to the United States, over which a concurrent jurisdiction has been reserved for such purpose. (R. S. c. 1, § 5.)

SEC. 6. *Governor may cede not exceeding 10 acres to the United States; compensation to owner.*—The governor, with the advice and consent of the council, reserving such jurisdiction, may cede to the United States for purposes named in its constitution any territory not exceeding 10 acres, but not including any highway; nor any public or private burying ground, dwelling house or meetinghouse, without consent of the owner. If compensation for land is not agreed upon, the estate may be taken for the intended purpose by payment of a fair compensation, to be ascertained and determined in the same manner as, and by proceedings similar to those provided for ascertaining damages in locating highways, in chapter 89. (R. S. c. 1, §§ 6, 7.)

SEC. 7. *Governor may purchase or take land for forts, etc., and may cede to the United States; compensation to owner; limitation.*—

Whenever the public exigencies require it, the governor with the advice and consent of the council may take in the name of the state, by purchase and deed, or in the manner herein denoted, any lands or right of ways, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, military connection, way, railroad, lighthouse, beacon or other aid to navigation, with all necessary rights, powers and privileges incident to their use, and may deliver possession and cede the jurisdiction thereof to the United States, on such terms as are deemed expedient.

The owner of any land or rights taken shall have a just compensation therefor, to be determined as prescribed in section 6, provided that application is made within 5 years after the land is taken. (R. S. c. 1, §§ 8, 10.)

SEC. 8. *Land surveyed; plan, etc., to be filed and recorded.*—When the governor and council determine that a public exigency requires the taking of any land or rights as provided for in section 7, they shall cause the same to be surveyed, located and so described that the same can be identified, and a plan thereof, with a copy of the order in council, shall be filed in the office of the secretary of state and there recorded. The filing of said plan and copy shall vest the title to the land and rights aforesaid, in the state of Maine or their grantees, to be held during the pleasure of the state and, if transferred to the United States, during the pleasure of the United States. (R. S. c. 1, § 9.)

SEC. 9. *Consent of legislature to acquisition by United States of land within the state for public buildings; record of conveyances.*—In accordance with the constitution of the United States, Article 1, Section VIII, Clause 17, and acts of congress in such cases provided, the consent of the legislature is given to the acquisition by the United States, or under its authority, by purchase, condemnation or otherwise, of any land in this state required for the erection of lighthouses or for sites for customhouses, courthouses, post offices, arsenals or other public buildings, or for any other purposes of the government, deeds and conveyances or title papers for the same shall be recorded upon the land records of the county or registry district in which the land so conveyed may lie; and in like manner may be recorded a sufficient description by metes and bounds, courses and distances, of any tracts and legal divisions of any public lands belonging to the United States set apart by the general government for either of the purposes before mentioned, by an order, patent or other official paper so describing such land. (R. S. c. 1, § 11.)

SEC. 10. *Jurisdiction ceded to United States over land acquired for public purposes; concurrent jurisdiction with United States retained.*—Exclusive jurisdiction in and over any land acquired under the provisions of this chapter by the United States shall be, and the same is ceded to the United States for all purposes except the service upon such sites of all civil and criminal processes of the courts of this state; provided that the jurisdiction ceded shall not vest until the United States of America has acquired title to such land by purchase, condemnation or otherwise; the United States of America is to retain such jurisdiction so long as such lands shall remain the property of the United States, and no longer; such jurisdiction is granted upon the express condition that the state of Maine shall retain a concurrent jurisdiction with the United States on and over such lands as have been or may hereafter be acquired by the United States so far as that all civil and criminal process which may lawfully issue under the authority of this state may be executed thereon in the same manner and way as if said jurisdiction had not been ceded, except so far as said process may affect the real or personal property of the United States. (R. S. c. 1, § 12.)

SEC. 12. *Relinquishment to United States to title to land for erection of lighthouses, forts, etc., when title cannot otherwise be obtained; disposal of purchase money.*—Whenever, upon application of an authorized agent of the United States, it is made to appear to any justice

of the superior court that the United States desires to purchase a tract of land and the right of way thereto, within the state, for the erection of a lighthouse, beacon light, range light or light keeper's dwelling, forts, batteries or other public buildings, and that any owner is a minor, or is insane, or is from any cause incapable of making perfect title to said lands, or is unknown, or a nonresident, or from disagreement in price or any other cause refuses to convey such land to the United States, said justice shall order notice of said application to be published in some newspaper in the county where such land lies, if any, otherwise in a paper in this state nearest to said land, once a week for 3 weeks, which notice shall contain an accurate description of said land, with the names of the supposed owners, provable in the manner required for publications of notice in chapter 112, and shall require all persons interested in said land on a day specified in said notice to file their objections to the proposed purchase, and at the time so specified a justice of said court shall empanel a jury, in the manner provided for the trial of civil actions, to assess the value of said land at its fair market value and all damages sustained by the owner of such land by reason of such appropriation; which amount when so assessed, with the entire costs of said proceedings, shall be paid into the treasury of said county, and thereupon the sheriff thereof, upon the production of the certificate of the treasurer that said amount has been paid, shall execute to the United States and deliver to its agent a deed of said land, reciting the proceedings in said cause, which deed shall convey to the United States a good and absolute title to said land against all persons. The money paid into such county treasury shall there remain until ordered to be paid out by a court of competent jurisdiction. (R. S. c. 1, §§ 14, 15.)

MARYLAND

The Annotated Code of Maryland, Edition of 1951, article 16, section—

An. Code, 1939, sec. 39. 1924, sec. 37A. 1927, chs. 225 and 494. 1947, ch. 849, sec. 39

32. All persons residing on property lying within the physical boundaries of any county of this State or within the boundaries of the City of Baltimore but on property over which jurisdiction is exercised by the Government of the United States by virtue of the 17th clause, 8th section of first article of the Constitution of the United States, and sections 31 and 35 of article 96 of the Annotated Code of the Public Laws of Maryland, shall be considered as residents of the State of Maryland and of the County or City of Baltimore, as the case may be, in which the land is situate for the purpose of jurisdiction in the

Courts of Equity of this State in all applications for divorce and for annulment of marriage.

Article 96, sections—

An. Code, 1939, sec. 1. 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, sec. 1. 1874, ch. 193, sec. 1

1. The consent of the State is given to the purchase by the government of the United States, or under the authority of the same, of any tract, piece or parcel of land not exceeding five acres, from any individual or individuals, bodies politic or corporate within the boundaries or limits of the State, for the purpose of erecting thereon light-houses, beacons and other aids to navigation; and all deeds and conveyances of title papers for the same shall be recorded, as in other cases, upon the land records of the county in which the lands so conveyed may lie; the consent herein given being in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States and with the acts of Congress in such cases made and provided.

An. Code, 1939, sec. 2. 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1888, sec. 2. 1874, ch. 193, sec. 2

2. With respect to land covered by the navigable waters within the limits of the State, and on which a lighthouse, beacon or other aid to navigation has been built, or is about to be built, the governor of the State, on application of an authorized agent of the United States, setting forth a description of the site required, is authorized and empowered to convey the title to the United States, and to cede jurisdiction over the same; provided, no single tract shall contain more than five acres.

An. Code, 1939, sec. 3. 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1888, sec. 3. 1874, ch. 193, sec. 3

3. The lots, parcels or tracts of land so ceded to the United States, together with the tenements and appurtenances, for the purpose before mentioned, shall be held exempt from taxation by the State of Maryland.

An. Code, 1939, sec. 4. 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1888, sec. 4. 1874, ch. 192, sec. 4

4. This State shall retain concurrent jurisdiction with the United States in and over the tracts of land aforesaid, so that criminal and civil processes, issued under the authority of the State by any officer thereof, may be executed on said lands and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded; and exclusive jurisdiction shall revert to and revest in this State whenever the said tract of land shall permanently cease to be

used and occupied by the United States for any of the purposes heretofore enumerated.

An. Code, 1939, sec. 5. 1924, sec. 5. 1912, sec. 5. 1904, sec. 5. 1888, sec. 5. 1874, ch. 395, sec. 1

5. Whenever the United States are desirous of purchasing or procuring the title to any tract, piece or parcel of land within the boundaries or limits of this State, for the purpose of erecting thereon any lighthouse, beacon-light, range-light, light-keeper's dwelling, forts, magazines, arsenals, dockyards, buoys, public piers, or necessary public buildings or improvements connected therewith, and cannot agree with the owner thereof as to the price and for the purchase thereof; or if the owner be *feme covert*, under age, *non compos mentis*, or out of the county wherein the said land lies, or for any other cause is incapable of making a perfect title to said lands, the United States, by any agent authorized under the hand and seal of any member of the president's cabinet, may apply by petition in writing to the circuit court for the county where the land lies; which petition shall be filed with the clerk of said court, to have the said land condemned for the use and benefit of the United States; and any such agent of the United States may, for the purpose of ascertaining its bounds and quantity, enter upon the lands, without injury thereto, which the United States may desire to purchase for any of the purposes aforesaid.

An. Code, 1939, sec. 17. 1924, sec. 17. 1912, sec. 17. 1904, sec. 17. 1888, sec. 17. 1874, ch. 395, sec. 13.

17. Jurisdiction is hereby ceded to the United States over such lands as shall be condemned as aforesaid for their use for public purposes, as soon as the same shall be condemned, under the sanction of the general assembly of this State hereinbefore given to said condemnation; provided, always, that this State shall retain concurrent jurisdiction with the United States in and over all lands condemned under the provisions of this Article, so far as that all processes, civil and criminal, issuing under the authority of this State, or any of the courts or judicial officers thereof, may be executed on the premises so condemned, and in any building erected or to be erected thereon, in the same way and manner as if this Article had not been passed; and exclusive jurisdiction shall revert to and revest in the State whenever the said premises shall cease to be owned by the United States and used for some of the purposes mentioned in this Article.

An. Code, 1939, sec. 18. 1924, sec. 18. 1912, sec. 18. 1904, sec. 18. 1888, sec. 18. 1874, ch. 395, sec. 14

18. All the lands that may be condemned under the provisions of this

Article, and the buildings and improvements erected or to be erected thereon, and the personal property of the United States, and of the officers thereof, when upon said land, shall be exonerated and exempted from taxation for state and county purposes, so long as the said land shall continue to be owned by the United States and used for any of the purposes specified in this Article, and no longer.

An. Code, 1839, sec. 19. 1924, sec. 19. 1912, sec. 19. 1904, sec. 19. 1900, ch. 67, sec. 19

19. The consent of the State is given to the purchase by the government of the United States, or under the authority of the same, from any individual or individuals, bodies politic or corporate, of any tract, piece or parcel of land within the boundaries or limits of the State for the purpose of erecting thereon forts, magazines, arsenals, coast defences or other fortifications of the United States, or for the purpose of erecting thereon barracks, quarters and other needful buildings for the use of garrisons required to man such forts, magazines, arsenals, coast defences or fortifications; and all deeds and title papers for the same shall be recorded as in other cases upon the land records of the county in which the land so conveyed may be; the consent herein given being in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States and with the acts of congress in such cases made and provided.

An. Code, 1839, sec. 20. 1924, sec. 20. 1912, sec. 20. 1904, sec. 20. 1900, ch. 67, sec. 20

20. Whenever the United States are unable to agree with the owners of the land described in Section 19 of this Article as to the purposes and for the purchase thereof, or if the owners for any cause are incapable of making a perfect title to the said land, the United States may institute proceedings for the condemnation of the said land for the use and benefit of the United States in the circuit court of the State for the county where the land lies, or in the superior court of Baltimore City if the land lies in said city, and have the land condemned for the use and benefit of the United States, such condemnation proceedings to be instituted and conducted in accordance with Sections 5 to 16 inclusive, of this Article; provided, however, that the quantity of land condemned under the provisions of this section shall not be subject to the limitation prescribed in Section 16 of this Article.

An. Code, 1839, sec. 21. 1924, sec. 21. 1912, sec. 21. 1904, sec. 21. 1900, ch. 67, sec. 21

21. The provisions of sections 17 and 18 of this Article shall apply to all property or lands purchased or acquired by the United States under the provisions of Sections 19 and 20 of this Article.

An. Code, 1939, sec. 23. 1924, sec. 28, 1912, sec. 28. 1904, sec. 28. 1902, ch. 263, secs. 1, 2. 1904, ch. 357, secs. 1, 2. 1908, ch. 194

28. The jurisdiction of the State of Maryland is hereby ceded to the United States of America over so much land as has been or may be hereafter acquired for public purposes of the United States; provided, that the jurisdiction hereby ceded shall not vest until the United States of America shall have acquired the title to the lands, by grant or deed, from the owner or owners thereof, and evidences thereof shall have been recorded in the office where, by law, the title to said land is required to be recorded and the United States of America are to retain such jurisdiction so long as such lands shall be for the purposes in this section mentioned, and no longer; and such jurisdiction is granted upon the express condition that the State of Maryland shall retain a concurrent jurisdiction with the United States in and over the said lands, so far as that civil process in all cases not affecting real or personal property of the United States, and such criminal or other process as shall issue under the authority of the State of Maryland against any person or persons charged with crimes or misdemeanors committed within or without the limits of said lands may be executed therein, in the same way and manner as if no jurisdiction had been hereby ceded. All lands and tenements which may be granted as aforesaid to the United States shall be and continue so long as the same shall be used for the purposes in this section mentioned, exonerated and discharged from all taxes, assessment and other charges which may be imposed under the authority of the State of Maryland; provided, however, that the rights of citizenship and other rights as residents of Charles County of persons domiciled on land owned by the United States at Indian Head shall be continued and enjoyed by them to the same extent as now provided by law for persons domiciled at the Naval Academy at Annapolis as residents of Anne Arundel County.

An. Code, 1939, sec. 31. 1924, sec. 31. 1912, sec. 31. 1906, ch. 743, sec. 1

31. The consent of the State of Maryland is hereby given in accordance with the seventeenth clause, eighth section of the first article of the constitution of the United States, to the acquisition by the United States by purchase, condemnation or otherwise of any land in this State required for sites for custom houses, courthouses, postoffices, arsenals or other public buildings whatever, or for any other purposes of the government.

An. Code, 1939, sec. 32. 1924, sec. 32. 1912, sec. 32. 1906, ch. 743, sec. 2

35. Exclusive jurisdiction in and over any land so acquired by the United States shall be and the same is hereby ceded to the United States for all purposes except the service upon such sites of all civil

and criminal process of the courts of this State, but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands.

An. Code. 1939, sec. 83. 1924, sec. 83. 1912, sec. 83. 1906, ch. 743, sec. 3

36. The jurisdiction ceded shall not vest until the United States shall have acquired the title to said lands by purchase, condemnation or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all State, county and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this State.

1947 Supp., sec. 41. 1943, ch. 687

46. Notwithstanding anything contained in any of the sections of this Article to the contrary the State of Maryland hereby reserves as to all lands within the State hereafter acquired by the United States or any agency thereof, whether by purchase, lease, condemnation or otherwise, and as to all property, persons and transactions on any such lands, jurisdiction and authority to the fullest extent permitted by the Constitution of the United States and not inconsistent with the Governmental uses, purposes, and functions for which the land was acquired or is used. Nothing in this section shall be deemed or construed to restrict the jurisdiction and authority of the State over any lands heretofore acquired by the United States, or any agency thereof, or over property, persons or transactions on any such lands.

Laws of the State of Maryland, 1955—

CHAPTER 622 (House Bill 23)

An act to repeal and re-enact with amendments, Sections 76, 77, 78, 81, 82, 83, 84 and 91 of Article 16 of the Annotated Code of Maryland (1951 Edition and 1954 Supplement), title "Chancery", sub-title "Adoption", and to add new Section 80A to said Article and sub-title, to follow immediately after Section 80 thereof, generally revising the adoption laws of the State, and relating to adoption procedure, and correcting certain wording therein

SECTION 1. *Be it enacted by the General Assembly of Maryland:*

That Sections 76, 77, 78, 81, 82, 83, 84 and 91 of Article 16 of the Annotated Code of Maryland (1951 Edition and 1954 Supplement), title "Chancery", sub-title "Adoption", be and they are hereby repealed and re-enacted, with amendments, and that new Section 80A be and it is hereby added to said Article and sub-title, to follow immediately after Section 80 thereof, all to read as follows:

ADOPTION

* * *

78. (Federal Reservations.) All persons residing or stationed for not less than ninety (90) days next preceding the filing of a petition

on property lying within the physical boundaries of any county of this State or within the boundaries of the City of Baltimore, but on property over which jurisdiction is exercised by the Government of the United States by virtue of the 17th Clause, Section 8 of Article 1 of the Constitution of the United States, and of Sections 31 and 35 of Article 96 of this Code, shall be considered as residents of the State of Maryland and of the county or City of Baltimore, as the case may be, in which the land is situate, for the purposes of jurisdiction in the courts of equity of this State in all petitions for adoption.

MASSACHUSETTS

The General Laws of the Commonwealth of Massachusetts, Tercentenary Edition, 1932, title 1, chapter 1, sections—

SECTION 2. The sovereignty and jurisdiction of the commonwealth shall extend to all places within its boundaries subject to the concurrent jurisdiction granted over places ceded to or acquired by the United States.

SECTION 6. The department, with the approval of the governor and council, may, upon the application of an agent of the United States, in the name and behalf of the commonwealth, convey to the United States the title of the commonwealth to any tract of land covered by navigable waters and necessary for the purpose of erecting a lighthouse, beacon light, range light or other aid to navigation, or light keeper's dwelling; but such title shall revert to the commonwealth if such land ceases to be used for such purpose.

SECTION 7. The United States shall have jurisdiction over any tract of land within the commonwealth acquired by it in fee for the following purposes: for the use of the United States bureau of fisheries, or for the erection of a marine hospital, custom office, post office, life-saving station, lighthouse, beacon light, range light, light keeper's dwelling or signal for navigators; provided, that a suitable plan of such tract has been or shall be filed in the office of the state secretary within one year after such acquisition of title thereto. But the commonwealth shall retain concurrent jurisdiction with the United States in and over any such tract of land to the extent that all civil and criminal processes issuing under authority of the commonwealth may be executed thereon as if there had been no cession of jurisdiction, and exclusive jurisdiction over any such tract shall revert in the commonwealth if such tract ceases to be used by the United States for such public purpose.

MICHIGAN

The Compiled Laws of the State of Michigan, 1948

Act 3, 1942 (1st Ex. Ses.) p. 11; Imd. Eff. Jan. 28

An act to cede jurisdiction to the United States over certain lands, and for the purchase and condemnation thereof; and to repeal all acts and parts of acts inconsistent with this act

The People of the State of Michigan enact:

3.201 *Ceding of jurisdiction to federal government of needed property.*—SEC. 1. The consent of the state of Michigan is hereby given in accordance with the seventeenth clause, eighth section, of the first article of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in this state which has been, or may hereafter be acquired for forts, magazines, arsenals, dockyards and other needful buildings.

3.202 *Same; limitation; reservation of right to serve process.*—SEC. 2. Exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby ceded to the United States for all purposes, except that the state retains the right to serve thereon all civil and criminal process issuing under authority of the state, but the jurisdiction so ceded shall continue no longer than the United States shall own such land.

3.203 *Same; transfer of jurisdiction; exemption from taxation.*—SEC. 3. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal taxation, assessment or other charges which may be levied or imposed under the authority of this state.

Act 4, 1874, p. 5; Imd. Eff. March 24

An act concerning submarine sites for lighthouses and other aids to navigation and/or aeronautics, and sites for government areas, reservations or other stations including military and naval reservations and the building of sea walls, breakwaters, ramps, and piers outside the water line by the United States, and authorizing the governor to issue deeds for such land

The People of the State of Michigan enact:

3.301 *State land needed by United States; application, conveyance; jurisdiction.*—SEC. 1. That whenever the United States of America desire to acquire title to land belonging to the state of Michigan including land which is now or has in the past been covered by the navigable waters of the United States of America, for sites or for any improvement or addition to any government area, reservation,

or other station including but not limited to military or naval reservations or stations, lighthouses, beacons, or other aids to navigation and/or aeronautics or for the building of sea walls, breakwaters, ramps, and piers, and application is made by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, then the governor of the state is authorized and empowered to convey the title to the United States, and to cede to the United States jurisdiction over the same: *Provided*, The state shall retain concurrent jurisdiction so far that all process, civil or criminal, issuing under the authority of the state, may be executed by the proper officers thereof upon any person or persons amenable to the same within the limits of land so ceded, in like manner and to like effect as if this act had never been passed.

Act. 5, 1874, p. 5; Imd. Eff. March 24

An act to cede jurisdiction to the United States on certain land, and for the purchase and condemnation thereof

The People of the State of Michigan enact:

3.321 *Purchase or condemnation of lands by the United States.*—

SEC. 1. That the United States of America shall have power to purchase or to condemn in the manner prescribed by its laws, upon making just compensation therefor, any land in the state of Michigan required for custom houses, arsenals, lighthouses, national cemeteries, or for other purposes of the government of the United States.

History: How. 5202.—C. L. 1897, 1149.—C. L. 1915, 234.—C. L. 1929, 410.

3.322 *Same; entry, exclusive legislation, concurrent jurisdiction, exemption from taxes.*—SEC. 2. The United States may enter upon and occupy any land which may have been, or may be purchased, or condemned, or otherwise acquired, and shall have the right of exclusive legislation, and concurrent jurisdiction together with the state of Michigan, over such land and the structures thereon, and shall hold the same exempt from all state, county and municipal taxation.

Act 52, 1871, p. 63; Imd. Eff. March 29

An act ceding the jurisdiction of this state over certain lands owned by the United States

The People of the State of Michigan enact:

3.341 *Jurisdiction ceded to United States; execution of process.*—

SEC. 1. That the jurisdiction of this state is hereby ceded to the United States of America, over all such pieces or parcels of land within the limits of this state, as have been or shall hereafter be selected and acquired by the United States, for the purpose of erecting postoffices, custom houses or other structures exclusively owned by the general

government, and used for its purposes: Provided, That an accurate description and plat of such lands so acquired, verified by the oath of some officer of the general government having knowledge of the facts, shall be filed with the governor of this state: And provided further, That this cession is upon the express condition that the state of Michigan shall so far retain concurrent jurisdiction with the United States, in and over all lands acquired or hereafter acquired as aforesaid, that all civil and criminal process issued by any court of competent jurisdiction or officers having authority of law to issue such process, and all orders made by such court, or any judicial officer duly empowered to make such orders, and necessary to be served upon any person, may be executed upon said lands, and in the buildings that may be erected thereon, in the same way and manner, as if jurisdiction had not been ceded, as aforesaid.

3.342 *Lands exempt from taxes.*—SEC. 2. The lands aforesaid, when so acquired, shall forever be exempt from all taxes and assessments, so long as the same shall remain the property of the United States.

MINNESOTA

Minnesota Statutes Annotated sections—

1.041 *Concurrent jurisdiction of state and United States.*—Subdivision 1. *Rights of State.*—Except as otherwise expressly provided, the jurisdiction of the United States over any land or other property within this state now owned or hereafter acquired for national purposes is concurrent with and subject to the jurisdiction and right of the state to cause its civil and criminal process to be executed therein, to punish offenses against its laws committed therein, and to protect, regulate, control, and dispose of any property of the state therein.

Subd. 2. *Land exchange commission may concur.*—In any case not otherwise provided for, the consent of the State of Minnesota to the acquisition by the United States of any land or right or interest therein, in this state desired for any authorized national purpose, with concurrent jurisdiction as defined in subdivision 1, may be given by concurrence of a majority of the members of the Land Exchange Commission created by the Constitution of the State of Minnesota, Article 8, Section 8, upon finding that such acquisition and the methods thereof and the exercise of such jurisdiction are consistent with the best interests of the state, provided application for such consent is made by an authorized officer of the United States, setting forth a description of the property, with a map when necessary for proper identification thereof, and the authority for, purpose of, and method used or to be used in acquiring the same. The commission may pre-

scribe the use of any specified method of acquisition as a condition of such consent.

In case of acquisition by purchase or gift, such consent shall be obtained prior to the execution of any instrument conveying the lands involved or any interest therein to the United States. In case of condemnation, such consent shall be obtained prior to the commencement of any proceeding therefor.

1.042 *Consent of state.*—Subdivision 1. *Given for Certain Purposes.* The consent of the State of Minnesota is hereby given in accordance with the Constitution of the United States, Article I, Section 8, Clause 17, to the acquisition by the United States in any manner of any land or right or interest therein in this state required for sites for customs houses, courthouses, hospitals, sanatoriums, post-offices, prisons, reformatories, jails, forestry depots, supply houses, or offices, aviation fields or stations, radio stations, military or naval camps, bases, stations, arsenals, depots, terminals, cantonments, storage places, target ranges, or any other military or naval purpose of the United States.

Subd. 2. *Jurisdiction ceded to United States.* So far as exclusive jurisdiction in or over any place in this state now owned or hereafter acquired by the United States for any purpose specified in subdivision 1 is required by or under the constitution or laws of the United States, such jurisdiction is hereby ceded to the United States, subject to the right of the state to cause its civil and criminal process to be executed on the premises, which right is hereby reserved to the state. When the premises abut upon the navigable waters of this state, such jurisdiction shall extend to and include the under-water lands adjacent thereto lying between the line of low-water mark and the bulkhead or pier-head line as now or hereafter established.

1.043 *When jurisdiction vests.*—The jurisdiction granted or ceded to the United States over any place in the state under section 1.041 or section 1.042 shall not vest until the United States has acquired the title to or right of possession of the premises affected, and shall continue only while the United States owns or occupies the same for the purpose or purposes to which such jurisdiction appertains as specified in those sections.

1.046 *Evidence of consent.*—The consent of the state given by or pursuant to the provisions of sections 1.041 to 1.048 to the acquisition by the United States of any land or right or interest therein in this state or to the exercise of jurisdiction over any place in this state shall be evidenced by the certificate of the governor, which shall be issued in duplicate, under the great seal of the state, upon application by an authorized officer of the United States and upon proof that title to the property has vested in the United States. The certificate shall

set forth a description of the property, the authority for, purpose of, and method used in acquiring the same, and the conditions of the jurisdiction of the state and the United States in and over the same, and shall declare the consent of the state thereto in accordance with the provisions of sections 1.041 to 1.048, as the case may require. When necessary for proper identification of the property a map may be attached to the certificate, and the applicant may be required to furnish the same. One duplicate of the certificate shall be filed with the secretary of state. The other shall be delivered to the applicant, who shall cause the same to be recorded in the office of the register of deeds of each county in which the land or any part thereof is situated.

MISSISSIPPI

Mississippi Code 1942, Annotated, title 17, chapter 11, sections—

§ 4153. *United States may acquire land for certain purposes.*—The consent of the state of Mississippi is given, in accordance with the 17th clause, 8th section, and of the 1st article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in this state which has heretofore been or may hereafter be acquired for custom houses, post offices, or other public buildings.

§ 4154. *Jurisdiction.*—The exclusive jurisdiction in and over any land which has heretofore been, or may hereafter be, so acquired by the United States is hereby ceded to the United States for all purposes, except that the state retains the right to serve thereon all civil and criminal processes issued under authority of the state; but the jurisdiction so ceded shall continue no longer than the United States shall own such lands, for the purposes hereinabove set forth.

§ 4155. *Tax exemption.*—The jurisdiction ceded as aforesaid shall not vest until the United States shall have acquired the title to the said lands by purchase, condemnation, or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be exempt from all state, county and municipal taxation, assessment, or other charges which may be levied or imposed under authority of the state.

§ 4157. *May cede jurisdiction to United States for certain purposes.*—The governor, upon application made to him in writing, on behalf of the United States, for the purpose of acquiring and holding lands or using any part of a public road of any county within the limits of this state, for the purpose of making, building, or constructing levees, canals, or any other works in connection with the improvement of rivers and harbors, or as a site for a fort, magazine, arsenal, dockyard, courthouse, custom house, lighthouse, post office, or other needful

buildings, or for the purpose of locating and maintaining national military parks, or for any other public works or purposes accompanied by proper evidence of the purchase of such lands, or the consent of the board of supervisors of the proper county for such public roads to be used for said purpose, is authorized for the state to cede jurisdiction thereof to the United States for the purpose of the cession and none other.

§ 4158. *Restrictions on cession.*—The concession of jurisdiction to the United States over any part of the territory of the state, heretofore or hereafter made, shall not prevent the execution on such land of any process, civil or criminal, under the authority of this state, nor prevent the laws of this state from operating over such land; saving to the United States security to its property within the limits of the jurisdiction ceded, and exemption of the same, and of such land from taxation under the authority of this state during the continuance of the cession.

Title 23, chapter 2, section—

§ 5926. *Federal regulations, etc.*—Consent is hereby given to the making by Congress of the United States, or under its authority, of all such rules and regulations as the Federal Government shall determine to be needful in respect to game animals, game and nongame birds, and fish on such lands in the State of Mississippi as shall have been, or may hereafter be, purchased by the United States under the terms of the Act of Congress of March 1, 1911, entitled "An Act to enable any State to cooperate with any other State or with the United States for the protection of the watersheds of navigable streams and to appoint a Commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," and Acts of Congress supplementary thereto and amendatory thereof, and in or on the waters thereof.

The Director of Conservation of the State of Mississippi shall have the right and authority to enter into a cooperative agreement with the United States Government, or with the proper authorities thereof, for the protection and management of the wild life resources of the national forest lands within the State of Mississippi and for the restocking of the same with desirable species of game, birds, and other animals, and fish.

The Director of Conservation of the State of Mississippi shall have authority to close all hunting and fishing within said lands so contracted for with the Federal Government for such period of time as may, in the opinion of the Director of Conservation, be necessary; shall have authority from time to time to prescribe the season for hunting or fishing therein, to fix the amount of fees required for special hunting licenses and to issue said licenses, to prescribe the number of animals and game, fish and birds that shall be taken therefrom and the

tional parks, and to pass such laws and make or provide for the making of such rules and regulations, of both civil and criminal nature, and to provide punishment therefor as in its judgment may be necessary for the management, control and protection of such lands as may be acquired by the United States under the provisions of this Act, including such lands as are acquired not only for highway and parkway and park purposes but also those lands over which scenic easements are acquired for such purposes, provided, nevertheless, that such jurisdiction shall not vest in the United States of America unless and until it, through the proper officer or officers, notifies the Governor and, through him, the State of Mississippi that the United States of America assumes concurrent police jurisdiction over the land or lands thus deeded and conveyed. But, however, there is saved to the State of Mississippi the right to tax sales of gasoline and other motor vehicle fuels and oils for use in motor vehicles and to tax persons and corporations, their franchises and properties, on all land or lands deeded or conveyed as aforesaid, and saving, except to persons residing in or on any of the land or lands deeded or conveyed as aforesaid, the right to vote at all elections within the county in which said land or lands are located, upon like terms and conditions and to the same extent as they would be entitled to vote in such county had not such lands been deeded or conveyed as aforesaid to the United States of America.

Sources : Laws, 1935, ch. 52.

MISSOURI

Vernon's Annotated Missouri Statutes, chapter 12, sections—

12.010. *Consent given United States to acquire land by purchase for certain purposes.*—The consent of the state of Missouri is hereby given in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States to the acquisition by the United States by purchase or grant of any land in this state which has been or may hereafter be acquired, for the purpose of establishing and maintaining post offices, internal revenue and other government offices, hospitals, sanatoriums, fish hatcheries, and land for reforestation, recreational and agricultural uses. Land to be used exclusively for the erection of hospitals by the United States may also be acquired by condemnation (R. S. 1939, § 12691, A. L. 1949, p. 316, A. 1949 S. B. 1005).

12.020. *Jurisdiction given with reservations.*—The jurisdiction of the state of Missouri in and over all such land purchased or acquired as provided in section 12.010 is hereby granted and ceded to the United States so long as the United States shall own said land; pro-

vided, that there is hereby reserved to the state of Missouri, unimpaired, full authority to serve and execute all process, civil and criminal, issued under the authority of the state within such lands or the buildings thereon (R. S. 1939, § 12693).

12.030. *Consent given United States to acquire land by purchase or condemnation for military purposes.*—The consent of the state of Missouri is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States by purchase, condemnation, or otherwise, of any land in this state which has been acquired, prior to the effective date of sections 12.030 and 12.040, as sites for customhouses, courthouses, post offices, arsenals, forts, and other needful buildings required for military purposes. Laws 1955, H. B. No. 371, § 1.

12.040. *Exclusive jurisdiction ceded to the United States—reserving the right of taxation and the right to serve processes.*—Exclusive jurisdiction in and over any land so acquired, prior to the effective date of sections 12.030 and 12.040, by the United States shall be, and the same is hereby, ceded to the United States for all purposes, saving and reserving, however, to the state of Missouri the right of taxation to the same extent and in the same manner as if this cession had not been made; and further saving and reserving to the state of Missouri the right to serve thereon any civil or criminal process issued under the authority of the state, in any action on account of rights acquired, obligations incurred, or crimes committed in said state, outside the boundaries of such land but the jurisdiction so ceded to the United States shall continue no longer than the said United States shall own such lands and use the same for the purpose for which they were acquired. Laws 1955, H. B. No. 371, § 2.

MONTANA

Constitution of the State of Montana, article II, section—

SECTION 1. Authority is hereby granted to and acknowledged in the United States to exercise exclusive legislation, as provided by the constitution of the United States, over the military reservations of Fort Assinaboine, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula, and Fort Shaw, as now established by law, so long as said places remain military reservations, to the same extent and with the same effect as if said reservations had been purchased by the United States by consent of the legislative assembly of the State of Montana; and the legislative assembly is authorized and directed to enact any law necessary or proper to give effect to this article.

size thereof, and to prescribe the conditions under which the same may be taken.

Any person violating any of the rules so promulgated by the Director of Conservation, or who shall hunt or fish upon said lands at any time, other than those times specified by the said Director of Conservation, shall, upon conviction therefor be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, or imprisonment for not less than ten days nor more than thirty days for each and every offense.

Title 23, chapter 5, section—

§ 5964. *Counties may donate rights of way—easements, etc.*—The boards of supervisors of any county within the State of Mississippi through which or adjoining which the United States Government or any of its agencies desired to construct a roadway or a roadway and parkway in connection therewith, shall have full power to donate such rights of way, together with scenic easements of such additional lands as may be required by the United States Government for the purpose of constructing such roadway and parkway. Any and all counties in the State of Mississippi are authorized to receive by donation, gift, will, or by purchase with county funds any and all necessary lands, rights of way or scenic easements, and after the acquisition of such lands or scenic easements may, by resolution or deed or other authorization of the board of supervisors of such county, convey same to the United States or to such subordinate agency of the United States as may be required for the establishment of such roadway and parkway. The board of supervisors of any county in the State of Mississippi is hereby expressly vested with the power of eminent domain to condemn for public use as a public park and for scenic easement all lands adjoining such public park or parkway and for road or roadways and to acquire title to all or any part of the lands which such board of supervisors may deem necessary for the purposes of complying with the requirements of the United States Government in the establishment of any national roadway or parkway through the State of Mississippi and that such right of condemnation shall include the right to condemn houses, outbuildings, orchards, yards, gardens, and other improvement on such lands and all or any right, title, or interest in and to all or any part of such lands and the improvements thereon by the right of eminent domain in condemnation proceedings or by gift, devise, purchase, or any other lawful means for the transfer of title; and such condemnation proceedings shall be carried out and executed as are condemnation proceedings by the Highway Department of the State of Mississippi as authorized under the laws of the State of Mississippi. The United States Government,

MISSISSIPPI STATE LIBRARY

or any of its subsidiary agencies, shall have complete control and supervision, severally or in connection with any county or counties in the State of Mississippi or with the Highway Department of the State of Mississippi, with full power and authority to locate, relocate, widen, alter, change, straighten, construct, or reconstruct roads or rights of way, parkways or lands covered by scenic easements on any Federal parkway, highway, or trace being constructed by the United States Government or any of its subsidiary subdivisions or severally or jointly with any county or counties in the State of Mississippi or with the State Highway Department of the State of Mississippi and shall have full and complete authority for the making of all contracts, surveys, plans, and specifications and estimates for the location, laying out, widening, straightening, altering, changing, constructing, reconstructing, and maintaining and securing rights of way therefor of any and all such highways, parkways, and scenic easements and shall further have the right to authorize its employees and agents to enter upon property for such purposes. The said United States Government severally and any county or counties in the State of Mississippi and the said Highway Department, either jointly or severally, is further authorized and empowered to obtain and pay for rights of way to such width and extent as may be necessary to meet the requirement of the United States Government for the construction and building of new parkway or roadway or scenic highway in the State of Mississippi, such rights of way to average along said road, however, not more than one hundred (100) acres to the mile and, in addition thereto, scenic easements to average not more than fifty (50) acres to the mile along said roadway or parkway, and such political authorities, either jointly or severally shall have the right to condemn or acquire by gift or purchase lands necessary for the building and maintenance of said roadway, parkway, or trace.

§ 5970. *Jurisdiction of the United States.*—The United States of America is authorized to acquire by deed or conveyance, gift, will or otherwise lands for the purpose of roadways and parkways as set forth in this Act, but this consent is given upon condition that the State of Mississippi shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases and such criminal process as may issue under the authority of the State of Mississippi against any person charged with the commission of any crime, without or within said jurisdiction, may be executed thereon in like manner as if this consent had not been given. Power is hereby conferred on the Congress of the United States to pass such laws as it may deem necessary for the acquisition of the said lands and for incorporation in national roadways, parkways or na-

tional parks, and to pass such laws and make or provide for the making of such rules and regulations, of both civil and criminal nature, and to provide punishment therefor as in its judgment may be necessary for the management, control and protection of such lands as may be acquired by the United States under the provisions of this Act, including such lands as are acquired not only for highway and parkway and park purposes but also those lands over which scenic easements are acquired for such purposes, provided, nevertheless, that such jurisdiction shall not vest in the United States of America unless and until it, through the proper officer or officers, notifies the Governor and, through him, the State of Mississippi that the United States of America assumes concurrent police jurisdiction over the land or lands thus deeded and conveyed. But, however, there is saved to the State of Mississippi the right to tax sales of gasoline and other motor vehicle fuels and oils for use in motor vehicles and to tax persons and corporations, their franchises and properties, on all land or lands deeded or conveyed as aforesaid, and saving, except to persons residing in or on any of the land or lands deeded or conveyed as aforesaid, the right to vote at all elections within the county in which said land or lands are located, upon like terms and conditions and to the same extent as they would be entitled to vote in such county had not such lands been deeded or conveyed as aforesaid to the United States of America.

Sources : Laws, 1935, ch. 52.

MISSOURI

Vernon's Annotated Missouri Statutes, chapter 12, sections—

12.010. *Consent given United States to acquire land by purchase for certain purposes.*—The consent of the state of Missouri is hereby given in accordance with the seventeenth clause, eighth section of the first article of the Constitution of the United States to the acquisition by the United States by purchase or grant of any land in this state which has been or may hereafter be acquired, for the purpose of establishing and maintaining post offices, internal revenue and other government offices, hospitals, sanatoriums, fish hatcheries, and land for reforestation, recreational and agricultural uses. Land to be used exclusively for the erection of hospitals by the United States may also be acquired by condemnation (R. S. 1939, § 12691, A. L. 1949, p. 316, A. 1949 S. B. 1005).

12.020. *Jurisdiction given with reservations.*—The jurisdiction of the state of Missouri in and over all such land purchased or acquired as provided in section 12.010 is hereby granted and ceded to the United States so long as the United States shall own said land; pro-

vided, that there is hereby reserved to the state of Missouri, unimpaired, full authority to serve and execute all process, civil and criminal, issued under the authority of the state within such lands or the buildings thereon (R. S. 1939, § 12693).

12.030. *Consent given United States to acquire land by purchase or condemnation for military purposes.*—The consent of the state of Missouri is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States by purchase, condemnation, or otherwise, of any land in this state which has been acquired, prior to the effective date of sections 12.030 and 12.040, as sites for customhouses, courthouses, post offices, arsenals, forts, and other needful buildings required for military purposes. Laws 1955, H. B. No. 371, § 1.

12.040. *Exclusive jurisdiction ceded to the United States—reserving the right of taxation and the right to serve processes.*—Exclusive jurisdiction in and over any land so acquired, prior to the effective date of sections 12.030 and 12.040, by the United States shall be, and the same is hereby, ceded to the United States for all purposes, saving and reserving, however, to the state of Missouri the right of taxation to the same extent and in the same manner as if this cession had not been made; and further saving and reserving to the state of Missouri the right to serve thereon any civil or criminal process issued under the authority of the state, in any action on account of rights acquired, obligations incurred, or crimes committed in said state, outside the boundaries of such land but the jurisdiction so ceded to the United States shall continue no longer than the said United States shall own such lands and use the same for the purpose for which they were acquired. Laws 1955, H. B. No. 371, § 2.

MONTANA

Constitution of the State of Montana, article II, section—

SECTION 1. Authority is hereby granted to and acknowledged in the United States to exercise exclusive legislation, as provided by the constitution of the United States, over the military reservations of Fort Assinaboine, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula, and Fort Shaw, as now established by law, so long as said places remain military reservations, to the same extent and with the same effect as if said reservations had been purchased by the United States by consent of the legislative assembly of the State of Montana; and the legislative assembly is authorized and directed to enact any law necessary or proper to give effect to this article.

Provided, that there be and is hereby reserved to the State the right to serve all legal process of the State, both civil and criminal, upon persons and property found within any of said reservations, in all cases where the United States has not exclusive jurisdiction.

Revised Codes of Montana, 1947, Annotated, title 83, chapter 1, sections—

83-102. (20) *Territorial jurisdiction, limitations on.*—The sovereignty and jurisdiction of this State extend to all places within its boundaries, as established by the constitution, excepting such places as are under the exclusive jurisdiction of the United States; but the extent of such jurisdiction over places that have been or may be ceded to, purchased, or condemned by the United States, is qualified by the terms of such cession, or the laws under which such purchase or condemnation has been or may be made.

83-103. (21) *Military reservations.*—Authority is granted to and acknowledged in the United States to exercise exclusive legislation, as provided by the constitution of the United States, over the military reservations of Fort Assinaboine, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula, and Fort Shaw, as now established by law, so long as said places remain military reservations, to the same extent and with the same effect as if said reservations had been purchased by the United States by consent of the legislative assembly of the State of Montana.

All legal process of the State, both civil and criminal, may be served upon persons and property found within any of said reservations, or on any Indian reservation, in all cases where the United States has not exclusive jurisdiction.

83-108. (25) *Jurisdiction over lands purchased by United States.*—Pursuant to article 1, section 8, paragraph 17 of the constitution of the United States, consent to purchase is hereby given, and exclusive jurisdiction ceded, to the United States over and with respect to any lands within the limits of this state, which shall be acquired by the complete purchase by the United States, for any of the purposes described in said paragraph of the constitution of the United States, said jurisdiction to continue as long as said lands are held and occupied by the United States for said purposes; reserving, however, to this state the right to serve and execute civil or criminal process lawfully issued by the courts of the state, within the limits of the territory over which jurisdiction is ceded in any suits or transactions for or on account of any rights obtained, obligations incurred, or crimes committed in this state, within or without such territory; and reserving further to the said state the right to tax persons and corporations, their franchises and property within said territory; and reserving further to

the state and its inhabitants and citizens the right to fish and hunt, and the right of access, ingress and egress to and through said ceded territory to all persons owning or controlling livestock for the purpose of watering the same, and saving further to the state on Montana jurisdiction in the enforcement of state laws relating to the duties of the livestock sanitary board and the state board of health, and the enforcement of any regulations promulgated by said boards in accordance with the laws of the state of Montana; provided, however, that jurisdiction shall not vest until the United States, through the proper officers, shall file an accurate map or plat and description by metes and bounds of said lands in the office of the county clerk and recorder of the county in which said lands are situated, and if such lands shall be within the corporate limits of any city, such map or plat shall also be filed in the office of the city clerk of said city, and the filing of such map as herein provided, shall constitute acceptance of the jurisdiction by the United States as herein ceded. The offer by the state of Montana to cede to the federal government legislative jurisdiction over areas within the state of Montana as contained in the act of the second legislative assembly of the state of Montana, 1891, entitled: "An act giving the consent of the state of Montana to the purchase, by the United States, of land in any city or town of the state, for the purpose of United States court house, post office and for other purposes" approved March 5, 1891, as amended by the act of the third legislative assembly of 1893, an act entitled: "An act giving the consent of the state of Montana to the purchase by the United States of land in any city or town of the state for the purpose of United States court house, post-offices and for other like purposes", approved March 9, 1893, is hereby withdrawn except as to areas heretofore completely purchased or acquired by the federal government and over which areas the federal government has heretofore assumed either exclusive legislative jurisdiction or concurrent legislative jurisdiction under the terms of one or the other of said acts.

NEBRASKA

Revised Statutes of Nebraska, 1943, article 6, sections—

72-801. *State lands; consent to purchase granted United States.*—The consent of the State of Nebraska is granted to the United States of America to purchase such grounds as may be deemed necessary in any city or incorporated town in the State of Nebraska, for the erection thereon of buildings for the accommodation of the United States circuit and district courts, post office, land office, mints, or any other government office, and also for the purchase by the United States of such other lands within the State of Nebraska as the agents or author-

ities of the United States may from time to time select for the erection of forts, magazines, arsenals and other needful buildings.

72-602. *State lands; conveyance to United States; cession of jurisdiction.*—The jurisdiction of the State of Nebraska in and over the lands mentioned in section 72-601 shall be ceded to the United States; *Provided*, the jurisdiction ceded shall continue no longer than the United States shall own or occupy such lands.

72-603. *State lands; sale to United States; service of process; jurisdiction retained.*—The consent is given and the jurisdiction ceded upon the express condition that the State of Nebraska shall retain concurrent jurisdiction with the United States in and over the lands, so far as civil process in all cases, and such criminal or other process as may issue under the laws or authority of the State of Nebraska, against any person or persons charged with crime or misdemeanors committed within this state, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real and personal property of the United States.

72-604. *State lands; conveyance to United States; jurisdiction; when effective; exemption from taxation.*—The jurisdiction ceded shall not vest until the United States shall have acquired the title to such lands by purchase or grant. So long as the lands shall remain the property of the United States, when acquired as provided in section 72-601, and no longer, they shall be exempt from all taxes, assessments, and other charges which may be levied or imposed under the authority of the laws of this state.

NEVADA

Statutes of the State of Nevada, 1955, chapter 202, page 300—

Assembly Bill No. 13. Mr. Leighton—Chapter 202

An act granting the consent of the State of Nevada to the acquisition by the United States of lands required for public purposes, and ceding jurisdiction over such lands heretofore and hereafter acquired, leased or otherwise used by the United States for public purposes; repealing a part of an act in conflict herewith; and other matters properly relating thereto

[Approved March 22, 1955]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. *State consent to Federal acquisition of land required by Department of Defense or Atomic Energy Commission.*—The consent of the State of Nevada is hereby given in accordance with the 17th Clause, 8th Section of the 1st Article of the Constitution of the United States, to the acquisition by the United States by purchase, condemnation, lease, exchange or otherwise, of any land in this state required

by the Department of Defense or the Atomic Energy Commission for the erection of bases, forts, magazines, arsenals, dockyards and other structures needed for defense or Atomic Energy Commission purposes as authorized by act of Congress.

SEC. 2. *Jurisdiction ceded to United States; reservation:*

1. The State of Nevada, except as hereinafter reserved and provided, hereby cedes jurisdiction to the United States:

(a) Over any land in this state which has been or may be hereafter so acquired; or

(b) Over any land in this state which has been or may be hereafter acquired by exchange for any of the purposes stated in section 1; and

(c) Over any land in this state which is now or may be hereafter held by the United States under lease, easement, license, use permit or otherwise for any of the purposes stated in section 1; and

(d) Over any land in this state which has been or may be hereafter reserved from the public domain, or other land of the United States for any of the purposes stated in section 1;

but the jurisdiction so ceded shall continue no longer than the United States shall own, hold or reserve such land for any of the purposes stated in section 1.

2. The United States shall at the time of the acceptance by the United States of the jurisdiction ceded by this act cause to be recorded a map or drawing of the installation, and a perimeter description thereof in the official records of the county or counties in which the lands comprising the affected installation are situate.

SEC. 3. *Taxation.*—It is hereby reserved and provided by the State of Nevada that any private property upon the lands or premises shall be subject to taxation by the state or any legal subdivision thereof having the right to levy and collect such tax, but any property upon or within such premises which belongs to the government of the United States shall be free of taxation by the state and any of its legal subdivisions.

SEC. 4. *Service of process.*—The State of Nevada reserves the right to serve or cause to be served, by any of its proper officers, any criminal or civil process upon such land or within such premises for any cause there or elsewhere in the state arising, where such cause comes properly under the jurisdiction of the laws of this state or any legal subdivision thereof.

SEC. 5. *Supplementary act; repeal.*—This act shall be deemed supplementary to that certain act entitled "An Act providing a method for the consent of the state to the acquisition by the United States of America of land and water rights; providing for the tax commission to be sole bargaining agency in matters of taxation with the federal

government, and matters related thereto," approved March 27, 1947, and being chapter 108, Statutes of Nevada 1947, at page 405, and, for the specific purposes only set forth in section 1 of this act, shall be deemed a repeal of chapter 108, Statutes of Nevada 1947.

SEC. 6. *Effective date.*—This act shall become effective upon passage and approval.

Nevada Compiled Laws, Supplement 1943-49—

Authorizing acquisition of land by Federal Government for certain purposes

An act providing a method for the consent of the state to the acquisition by the United States of America of land and water rights; providing for the tax commission to be sole bargaining agency in matters of taxation with the Federal government, and matters related thereto

[Approved March 27, 1947, 405]

§ 2898.01. *State consent to acquisition of land by United States for certain purposes.*—§ 1. The consent of the State of Nevada to the acquisition by the United States of America of any land or water right or interest therein in this state, except lands or water rights located within the boundaries of established and existing national forests, desired for any purpose expressly stated in clause 17 of section 8 of article I of the constitution of the United States, may be given by concurrence of a majority of the members of the state tax commission, which majority shall include the governor of the state, upon finding that such proposed acquisition and the method thereof and all other matters pertaining thereto are consistent with the best interests of the state and conforms to the provisions of this act.

§ 2898.02. *State consent to acquisition for reclamation projects, flood-control projects, protection of watersheds, right of way for public roads and other purposes.*—§ 2. The consent of the State of Nevada in accordance with the principles set forth in paragraph one hereof, and subject to the limitations and restrictions of this act, may also be given by concurrence of the said majority of the members of the state tax commission in cases where privately owned or state-owned real property is desired by the United States for reclamation projects, flood control projects, protection of watersheds, right-of-way for public roads, and other purposes.

§ 2898.3. *Right of taxation reserved.*—§ 3. The consent of the State of Nevada to any acquisition pursuant to section 2 hereof, shall be subject to and the state does hereby reserve the right of taxation to itself and to its municipal corporations and taxing agencies, and reserves to all persons now or hereafter residing upon such land all political and civil rights, including the right of suffrage.

§ 2898.06. *Authority of tax commission.*—§ 6. The authority herein conferred upon the tax commission to give or withhold the consent of

the State, shall include all acquisitions of all real property or of rights therein, including water rights of every nature whatsoever, by the United States including gifts.

§ 2898.11. *Conditions and requirements of consent to acquisition.*—

§ 11. The consent of the state in all such cases shall be conditioned upon the following requirements having been complied with and shall be based upon such other factors as the commission in its discretion may take into consideration in the making of its decision.

1. The United States, by a statute then in force and effect must have provided, and must be ready, able, and willing to make tax payments or in lieu of tax payments upon said premises, including the improvements to be placed thereon at the rate that other similar property in the county is taxed, said payments to continue so long as the ownership of the United States continues, said tax payments to be apportioned amongst the state and all municipal corporations and taxing agencies thereof, which would otherwise have the right to tax said property from time to time, if it were in private ownership. The tax commission shall be the sole bargaining agency in matters of taxation between the state, its political subdivisions, and the federal government, and shall determine the ratio of distribution among the payees which the federal government shall hereby be required to pay; *provided, however*, no tax shall be demanded hereunder upon a right-of-way for a public road or postoffice or for any purpose expressly stated in article 1, section 8, clause 17, of the constitution of the United States.

2. The board of county commissioners of each and every county to be affected by each requested acquisition must have given it or their written consent to said tax commission to said acquisition. Said consent shall be expressed by resolution duly adopted and entered in its journal.

3. The United States of America must have consented in writing to the levying and collection of all taxes to which any business, construction contractor, or any other enterprise or occupation thereafter conducted or operated upon said premises would be subject if the property were to remain in private ownership.

4. When it appears to the state tax commission and the county commissioners of the county or counties affected that the purpose for such purchase of land by the United States is to the best interests of the general public, tax payments or in lieu tax payments may be waived.

§ 2896.12. *State reserves jurisdiction to serve process of courts—civil and criminal jurisdiction of courts—civil and political rights reserved.*—§ 12. In granting its consent to any request or application

which may be filed with the tax commission pursuant to this act, the state reserves jurisdiction in all cases, except for acquisitions for land desired for the purposes expressly provided for in article I, section 8, clause 17, of the constitution of the United States and as to such lands the state reserves the right to serve its civil and criminal process upon persons for violations of the laws of this state occurring elsewhere in the state; that as to all other requests and applications for the acquisition of land by the United States under the provisions of this act, the state reserves jurisdiction over all offenses of a criminal nature and as to all cases arising under the civil laws of this state committed or had upon the land so applied for, and also reserves the right for the execution of all civil and criminal process on such land, and the state reserves its entire power of taxation, including that of each municipal corporation and taxing agency upon and concerning said land, and the state reserves to all persons residing on such land all civil and political rights, including the right of suffrage, which they may have had were said acquisitions not so made; provided, in all cases of acquisitions of land under this act there shall be reserved to the state the right to control, maintain, and operate all state highways constructed upon such land. The reservations set forth in this section shall be recited in the certificate provided for in section 13 hereof.

NEW HAMPSHIRE

Laws of the State of New Hampshire, 1955, chapter 223, page 333—

An act relative to jurisdiction of the United States over land within New Hampshire

Be it enacted by the Senate and House of Representatives in General Court convened:

1. *Jurisdiction of the United States.*—Amend Revised Laws, chapter 1, section 1 (section 1, chapter 123, RSA) by inserting after the word "custom-houses" in the third line of said section, the words, military air bases, military installations, so that said section as amended shall read as follows: 1. Ceded to United States. Jurisdiction is ceded to the United States of America over all lands within this state now or hereafter exclusively owned by the United States, and used as sites for post offices, custom-houses, military air bases, military installations or other public buildings: provided, that an accurate description and plan of the lands so owned and occupied, verified by the oath of some officer of the United States having knowledge of the facts, shall be filed with the secretary of this state; and, provided, further, that this session is upon the express condition that the state of New Hampshire shall retain concurrent jurisdiction with the United States in and over all such lands, so far that all civil and criminal process issuing under the

authority of this state may be executed on the said lands and in any building now or hereafter erected thereon, in the same way and with the same effect as if this statute had not been enacted; and that exclusive jurisdiction shall revert to and revest in this state whenever the lands shall cease to be the property of the United States.

2. *Takes effect.*—This act shall take effect upon its passage.

[Approved June 23, 1955.]

NEW JERSEY

New Jersey Statutes Annotated, title 52, chapter 30, sections—

52:30-1. *Consent to acquisition of land by United States.*—The consent of this state is hereby given, pursuant to the provisions of article one, section eight, paragraph seventeen, of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land within this state, for the erection of dockyards, custom houses, courthouses, post offices or other needful buildings.

52:30-2. *Jurisdiction over lands acquired.*—Exclusive jurisdiction in and over any land so acquired by the United States is hereby ceded to the United States for all purposes except the service of process issued out of any of the courts of this state in any civil or criminal proceeding.

Such jurisdiction shall not vest until the United States shall have actually acquired ownership of said lands, and shall continue only so long as the United States shall retain ownership of said lands.

52:30-3. *Lands exempt from taxes.*—So long as said lands shall remain in the ownership of the United States the same shall be exempt from all taxes, assessments, or other charges leviable by this state or any of its municipalities.

NEW MEXICO

New Mexico Statutes, 1953, Annotated, chapter 3, article 1, section—

3-1-1. *Definitions.*—The provisions of chapter 41, New Mexico Statutes Annotated, Compilation of 1929, and the amendments thereof and this chapter shall be known as the "Election Code" and may be so designated in this act and in any legislative act applicable thereto.

As used in this act, unless the context requires otherwise: The words "qualified elector," "elector" or "voter" means any citizen of the United States who at the date of the election will be over the age of twenty-one (21) years and will have resided in the state twelve (12) months, in the county ninety (90) days, and in the precinct in which he offers to vote thirty (30) days, next preceding the election, except idiots, insane persons, persons convicted of a felonious or infamous crime unless restored to political rights.

Residence within the meaning of the above paragraph shall be residence upon land privately owned, or owned by the state of New Mexico, any county or municipalities thereof; or upon lands originally belonging to the United States of America or ceded to the United States of America by the state of New Mexico, any county thereof, or any municipal corporation or private individual, by purchase, treaty, or otherwise.

* * *

Chapter 7, article 2, sections—

7-2-2. *Consent to acquisition of land for Federal purposes.*—The consent of the state of New Mexico is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in this state required for sites for custom-houses, court-houses, post-offices, arsenals, or other public buildings whatever, or for any other purposes of the government.

7-2-3. *Jurisdiction over Federal land—Limitations—Duration.*—Exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this state; but the jurisdiction so ceded shall continue no longer than the United States shall own such lands.

7-2-4. *Vesting of Federal jurisdiction—Tax exemption—Limitation.*—The jurisdiction ceded shall not vest until the United States shall have acquired the title to said lands by purchase, condemnation, or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all state, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this state.

Chapter 22, article 7, section—

22-7-4. *Residence requirement.*—The plaintiff in action for the dissolution of the bonds of matrimony must have been an actual resident, in good faith, of the state for one (1) year next preceding the filing of his or her complaint; Provided, however, that in a suit for the dissolution of the bonds of matrimony wherein the wife is plaintiff, the residence of the husband in this state shall inure to her benefit and she may institute such action setting up any of the causes mentioned in section 2773 (25-701) [22-7-1] immediately after the accrual thereof, providing her husband shall have been qualified as to residence to institute a similar action; and Provided further, persons serving in any military branch of the United States government who have been continuously stationed in any military base or installation in the state of

New Mexico for such period of one (1) year, shall for the purposes hereof, be deemed residents in good faith of the state and county where such military base or installation is located.

NEW YORK

McKinney's Consolidated Laws of New York, Annotated, 1952, State Law, article 4, sections—

§ 35. *Cession of jurisdiction to lands acquired for light-house purposes.*—The jurisdiction to such tracts of land, not exceeding ten acres, acquired by the United States for the construction and maintenance of light-houses and keepers' dwellings before April eighteenth, eighteen hundred sixty-one, or as shall have been acquired since such date, or as shall be hereafter acquired, upon the selection by an authorized officer of the United States, the approval of the governor, the filing in the office of the secretary of state of a description of the boundaries thereof, with the approval of the governor indorsed thereon, and the filing in such office of a map thereof, which map shall be drawn with pen and India ink upon tracing cloth and shall be otherwise in form and manner suitable to the files, records and purposes of the office of the secretary of state, is ceded to the United States, upon condition that the jurisdiction so ceded shall not prevent the execution thereon of any process, civil or criminal, issued under the authority of the state, except as such process might affect the property of the United States therein, and that such jurisdiction shall continue in the United States so long only as the land shall be used and occupied for the purposes of the cession, unless the consent of the state to a different use shall have been granted. As amended L. 1939, c. 521; L. 1944, c. 600, eff. April 6, 1944.

§ 36. *Acquisition by condemnation.*—When the United States shall have been authorized by law to acquire title to any real property within this state, such title may be acquired by gift or grant from the owners thereof, or by condemnation if, for any reason, the United States is unable to agree with the owners for the purchase thereof.

§ 50. *Consent of state to purchase of land; authority to dispose of land to United States; record of conveyances.*—1. The consent of the state of New York is hereby given to the purchase by the government of the United States, and under the authority of the same, of any tract, piece or parcel of land from any individual or individuals, bodies politic or corporate within the boundaries of this state, for the purpose of parade or maneuver grounds, aviation fields, navy yards and naval stations, or for the purpose of erecting thereon lighthouses, beacons, lighthouse keepers' dwellings, hospitals, sanatoriums, works for improving navigation, post offices, custom houses, fortifications, or

buildings and structures for the storage, manufacture or production of supplies, ordnance, apparatus or equipment of any kind whatsoever for the use of the army or navy and any other needful buildings and structures.

2. In addition to the consent to purchase given in subdivision one of this section, the consent of the state is hereby given to the acquisition by exchange, donation or otherwise by the government of the United States, and under the authority of the same, of any tract, piece or parcel of land from any county, city, town or village within this state for the purpose of parade or maneuver grounds or aviation fields, and every such county, city, town or village is hereby authorized and empowered to sell, exchange, donate or otherwise dispose of such tract, piece or parcel of land to the United States for such purpose or purposes; and all deeds, conveyances or other papers.

3. All deeds, conveyances or other papers relating to the title of any such lands acquired by the United States as authorized in this section shall be recorded in the office of the register, if any, or if not in the office of the county clerk, of the county where the said lands are situated. As amended L. 1910, c. 109, § 1; L. 1911, c. 527, § 1; L. 1917, c. 819, § 1; 1922, c. 14; L. 1941, c. 568, eff. April 19, 1941.

§ 52. *Governor may execute deed or release.*—Whenever the United States, by any agent authorized under the hand and seal of any head of an executive department of the government of the United States, or the administrator of veterans' affairs of the government of the United States, shall cause to be filed in the office of the secretary of state of the state of New York, maps or plats and descriptions by metes and bounds of any tracts or parcels of land within this state, which have been acquired by the United States for any of the purposes aforesaid, and a certificate of the attorney general of the United States that the United States is in possession of said lands and premises for either of the works or purposes aforesaid, under a clear and complete title, the governor of this state is authorized, if he deems it proper, to execute in duplicate, in the name of the state and under its great seal, a deed or release of the state ceding to the United States the jurisdiction of said tracts or parcels of land as hereinafter provided. Such maps shall be drawn with pen and India ink upon tracing cloth and shall be otherwise in form and manner suitable to the files, records and purposes of the office of the secretary of state, and show such data thereon, or in relation thereto, as may be required by the secretary of state. As amended L. 1939, c. 521; L. 1944, c. 600; L. 1946, c. 839, eff. April 17, 1946.

§ 53. *Concurrent jurisdiction as to service of process.*—The said jurisdiction so ceded shall be upon the express condition that the state

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of New York shall retain a concurrent jurisdiction with the United States on and over the property and premises so conveyed, so far as that all civil and criminal process, which may issue under the laws or authority of the state of New York, may be executed thereon in the same way and manner as if such jurisdiction had not been ceded, except so far as such process may affect the real or personal property of the United States.

§ 54. *Exemption of property from State taxation.*—The said property shall be and continue forever thereafter exonerated and discharged from all taxes, assessments and other charges, which may be levied or imposed under the authority of this state; but the jurisdiction hereby ceded and the exemption from taxation hereby granted, shall continue in respect to said property so long as the same shall remain the property of the United States, and be used for the purposes aforesaid, and no longer.

§ 55. *Delivery and filing of deeds and releases.*—One of the deeds or releases so executed in duplicate shall be delivered to the duly authorized agent of the United States, and the other deed or release shall be filed and recorded in the office of the secretary of state of the state of New York; and said deed or release shall become valid and effectual only upon such filing and recording in said office. As amended L. 1909, c. 240, § 76, eff. April 22, 1909.

§ 56. *Statement to be published in session laws.*—The secretary of state shall cause to be printed in the session laws of the year succeeding the filing in his office of said deed, a statement of the date of the application of the United States for said deed and a copy of the description of the lands so conveyed or ceded, together with the date of the recording of said deed in the office of the said secretary of state.

§ 57. *Article not to apply to Orange County; exception.*—This article shall not apply to the county of Orange, except with respect to a certain tract, piece or parcel of land in the town of Newburgh in such county containing two hundred twenty-one and eight-tenths acres more or less, commonly known and designated both as Newburgh airport and as Stewart field, and except with respect to additional lands adjoining and contiguous to such airport and field, as now constituted, aggregating not more than one thousand acres, and also except with respect to lands in the town of Cornwall adjoining and contiguous to lands in such town now owned by the United States and to state highway number eighty-five hundred, part one, aggregating not more than two and one-half acres. As amended L. 1940, c. 214; L. 1941, c. 178, eff. March 27, 1941.

§ 58. *Lands to be acquired; commission.*—Whenever any lands, structures or waters, situated within the boundaries of this state, are,

in the judgment of the governor, necessary for purposes of public defense, or for other public purposes incidental thereto including public highway purposes, the estates, titles and interests in and to such lands, structures or waters, belonging to or vested in any person, corporation or municipality, may be acquired by the state as provided in this article. If any of such lands are, in the judgment of the governor, needed for public highway purposes leading to, from, across or around such appropriated lands, such estate as may in his judgment be necessary therefor may be acquired in such strips of land, not exceeding one hundred feet in width, as in his judgment are needed for such purposes. The governor shall, whenever lands, structures or waters, to be designated by him, are required for such purposes, direct the adjutant-general, attorney-general, and the superintendent of public works, to take such actions and institute such proceedings as may be necessary to acquire such lands and easements in the name and for the benefit of the people of the state. Such officers when so directed are in each instance hereby constituted a temporary commission for the purpose of acquiring title to the lands so designated and the structures and waters thereon. Added L. 1917, c. 13; amended L. 1917, c. 130; L. 1928, c. 380, eff. March 16, 1928.

§ 59-c. *Searches of title.*—The attorney-general shall furnish to the commission all searches necessary to prove the title to the lands taken as provided in this article. The expense of making such searches shall be paid from the treasury out of the funds appropriated therefor, on the audit and warrant of the comptroller. Added L. 1917, c. 13; amended L. 1917, c. 130; L. 1928, c. 380, § 1, eff. March 16, 1928.

§ 59-d. *Use of lands so acquired.*—Whenever lands and the structures and waters thereon shall have been so appropriated for the purposes hereinbefore prescribed, the governor shall have the authority to direct the carrying out of such purposes for and on behalf of the people of the state or in co-operation with the government of the United States, and the expense thereof shall be paid from the treasury out of funds appropriated therefor, on the audit and warrant of the comptroller. Added L. 1917, c. 130; amended L. 1928, c. 380, § 2, eff. March 16, 1928.

§ 59-e. *Deed or release of land so acquired to United States.*—The governor may, if requested by any officer or agent of the United States duly authorized under the hand and seal of any head of an executive department of the government of the United States, execute a deed or release to the government of the United States of the lands and the structures and waters thereon, described in the survey and map filed in the office of the secretary of state as hereinbefore provided, excepting and reserving therefrom an easement for public highway

purposes in and over the lands acquired for highway purposes pursuant to this article. Such deed or release may be so executed at any time after the commission shall have entered upon and taken possession of such lands, structures and waters. Such deed or release shall be in the form agreed upon by the governor and the proper representative of the government of the United States and shall convey title to the lands, structures and waters described therein to the government of the United States, to be used for purposes of public defense and shall cede to the United States the jurisdiction over the tracts or parcels of land so described, to the extent and in the manner hereinafter provided. Such deed or release shall be executed in duplicate in the name of the state and under its great seal. One of such duplicates shall be filed and recorded in the office of the secretary of state of the state of New York, and the other shall be delivered to the proper executive department of the government of the United States. Formerly § 59-d, added L. 1917, c. 13; renumbered 59-e and amended L. 1917, c. 130, eff. April 4, 1917.

§ 59-f. *Concurrent jurisdiction as to service of process.*—The jurisdiction so ceded shall be upon the express condition that the state of New York shall retain concurrent jurisdiction with the United States on and over the property and premises so conveyed, so far as that all civil and criminal process, which may issue under the laws or authority of the state of New York, may be executed thereon in the same manner as if such jurisdiction had not been ceded, except so far as such process may affect the real or personal property of the United States. Formerly § 59-e, added by L. 1917, c. 13; renumbered 59-f, L. 1917, c. 130, eff. April 4, 1917.

§ 59-g. *Exemption of property from State taxation.*—The property so conveyed and released to the United States shall be exempted from all taxes, assessments and other charges, which may be levied or imposed under the authority of this state; but the jurisdiction hereby ceded and the exemption from taxation hereby granted shall continue in respect to such property so long as the same shall remain the property of the United States and be used for purposes of public defense, and no longer. Formerly § 59-f, added L. 1917, c. 13; renumbered 59-g, L. 1917, c. 130, eff. April 4, 1917.

§ 59-h. *Statement to be published in session laws.*—The secretary of state shall cause to be printed in the session laws of the year succeeding the filing in his office of said deed, a statement of the date of the filing of the survey and map of the lands, structures and waters so appropriated, and a copy of the deed or release of the lands, structures and waters so conveyed or ceded, together with the date of the recording of said deed or release in the office of the department of state.

Formerly § 59—g, added L. 1917, c. 13; renumbered 59—h, L. 1917, c. 130; amended L. 1928, c. 380, § 3, eff. March 16, 1928.

General Municipal Law, article 11, sections—

§ 210. *United States may acquire land in cities.*—The United States is hereby authorized to acquire by condemnation, purchase or gift in conformity with the laws of this state, one or more pieces of land not exceeding two acres in extent, in any city or village of this state, for the purpose of erecting and maintaining thereon a public building for the accommodation of post offices and other governmental offices in any such city or village.

§ 211. *Certified copy of transfer to be filed.*—Whenever the United States, by any agent authorized under the hand and seal of any head of an executive department of the government of the United States, shall cause to be filed in the office of the secretary of state of this state, maps and descriptions by metes and bounds of any such pieces of land which had been acquired by the United States for the purposes specified in section two hundred and ten of this article, exclusive jurisdiction, except as provided in section two hundred and twelve, is thereupon ceded to the United States over the lands so described, during the time that the United States shall be or remain the owner thereof. Such maps shall be drawn with pen and India ink upon tracing cloth and shall be otherwise in form and manner suitable to the files, records and purposes of the office of the secretary of state, and show such data thereon, or in relation thereto, as may be required by the secretary of state. As amended L. 1939, c. 520; L. 1944, c. 684, eff. April 9, 1944.

§ 212. *Jurisdiction of state not affected.*—The jurisdiction ceded to the United States as prescribed by this article shall not prevent the execution on the land acquired for the purposes specified in section two hundred and ten of any process civil or criminal, issued under the authority of the state, except as such process might affect the property of the United States thereon.

NORTH CAROLINA

The general Statutes of North Carolina (Recompiled 1950), chapter 104, article 1, sections—

§ 104-1. *Acquisition of lands for specified purposes authorized; concurrent jurisdiction reserved.*—The United States is authorized, by purchase or otherwise, to acquire title to any tract or parcel of land in the State of North Carolina, not exceeding twenty-five acres, for the purpose of erecting thereon any custom house, courthouse, post office, or other building, including lighthouses, lightkeeper's dwellings, lifesaving stations, buoys and coal depots and buildings connected therewith, or for the establishment of a fish-cultural station

and the erection thereon of such buildings and improvements as may be necessary for the successful operations of such fish-cultural station. The consent to acquisition by the United States is upon the express condition that the State of North Carolina shall so far retain a concurrent jurisdiction with the United States over such lands as that all civil and criminal process issued from the courts of the State of North Carolina may be executed thereon in like manner as if this authority had not been given, and that the State of North Carolina also retains authority to punish all violations of its criminal laws committed on any such tract of land. (1870-1, c. 44, s. 5; Code, ss. 3080, 3083; 1887, c. 136; 1899, c. 10; Rev., s. 5426; C. S., s. 8053.)

§ 104-2. *Unused lands to revert to State.*—The consent given in § 104-1 is upon consideration of the United States building light-houses, lighthouse-keepers' dwellings, lifesaving stations, buoys, coal depots, fish stations, post offices, custom houses, and other buildings connected therewith, on the tracts or parcels of land so purchased, or that may be purchased; and that the title to land so conveyed to the United States shall revert to the State unless the construction of the aforementioned buildings be completed thereon within ten years from the date of the conveyance from the grantor. (1080-1, c. 44, s. 5; Code, ss. 3080, 3083; 1887, c. 136; 1899, c. 10; Rev. s. 5426; C. S., s. 8054.)

§ 104-3. *Exemption of such lands from taxation.*—The lots, parcels, or tracts of land acquired under this chapter, together with the tenements and appurtenances for the purpose mentioned in this chapter, shall be exempt from taxation. (1870-1, c. 44, s. 3; Code, s. 3082; Rev., s. 5428; C. S., s. 8055.)

§ 104-6. *Acquisition of lands for river and harbor improvement; reservation of right to serve process.*—The consent of the legislature of the State is hereby given to the acquisition by the United States of any tracts, pieces, or parcels of land within the limits of the State, by purchase or condemnation, for use as sites for locks and dams, or for any other purpose in connection with the improvement of rivers and harbors within and on the borders of the State. The consent hereby given is in accordance with the seventeenth clause of the eighth section of the first article of the Constitution of the United States, and with the acts of Congress in such cases made and provided; and this State retains concurrent jurisdiction with the United States over any lands acquired and held in pursuance of the provisions of this section, so far as that all civil and criminal process issued under authority of any law of this State may be executed in any part of the premises so acquired, or the buildings or structures thereon erected. (1907, c. 681; C. S., s. 8058.)

§ 104-7. *Acquisition of lands for public buildings; cession of jurisdiction; exemption from taxation.*—The consent of the State is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the State required for the sites for custom houses, courthouses, post offices, arsenals, or other public buildings whatever, or for any other purposes of the government.

Exclusive jurisdiction in and over any land so acquired by the United States shall be and the same is hereby ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this State; but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands. The jurisdiction ceded shall not vest until the United States shall have acquired title to said lands by purchase, condemnation, or otherwise.

So long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all State, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this State. (1907, c. 25; C. S., s. 8059.)

§ 104-8. *Further authorization of acquisition of land.*—The United States is hereby authorized to acquire lands by condemnation or otherwise in this State for the purpose of preserving the navigability of navigable streams and for holding and administering such lands for national park purposes: Provided, that this section and § 104-9 shall in nowise affect the authority conferred upon the United States and reserved to the State in §§ 104-5 and 1046. (1925, c. 152, s. 1.)

§ 104-9. *Condition of consent granted in preceding section.*—This consent is given upon condition that the State of North Carolina shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases, and such criminal process as may issue under the authority of the State of North Carolina against any person charged with the commission of any crime, without or within said jurisdiction, may be executed thereon in like manner as if this consent had not been given. (1925, c. 152, s. 2.)

Chapter 113, article 9, section—

§ 113-113. *Legislative consent; violation made a misdemeanor.*—The consent of the General Assembly of North Carolina is hereby given to the making by the Congress of the United States, or under its authority, of all such rules and regulations as the federal government shall determine to be needful in respect to game animals, game and

non-game birds, and fish on such lands in the western part of North Carolina as shall have been, or may hereafter be, purchased by the United States under the terms of the act of Congress of March first, one thousand nine hundred and eleven, entitled "An act to enable any state to co-operate with any other state or states, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purposes of conserving the navigability of navigable rivers" (36 U. S. Stat. at Large, p. 961), and acts of Congress supplementary thereto and amendatory thereof, and in or on the waters thereon.

Nothing in this section shall be construed as conveying the ownership of wild life from the State of North Carolina or permit the trapping, hunting or transportation of any game animals, game or non-game birds and fish, by any person, firm or corporation, including any agency, department or instrumentality of the United States government or agents thereof, on the lands in North Carolina, as shall have been or may hereafter be purchased by the United States under the terms of any act of Congress, except in accordance with the provisions of article 7 of this subchapter.

Any person, firm or corporation, including employees or agents of any department or instrumentality of the United States government, violating the provisions of this section shall be guilty of a misdemeanor and shall be punished in the discretion of the court. (1915, c. 205; C. S. c. 2099; 1939, c. 79, §§ 1, 2.)

NORTH DAKOTA

Constitution of North Dakota, article XVI, section—

Sec. 204. Jurisdiction is ceded to the United States over the military reservations of Fort Abraham Lincoln, Fort Buford, Fort Pembina and Fort Totten heretofore declared by the president of the United States; provided, legal process, civil and criminal, of this state, shall extend over such reservation in all cases in which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations.

North Dakota Revised Code of 1943, title 54, chapter 54-01, sections—

54-0106 *Jurisdiction over property in State; limitations.*—The sovereignty and jurisdiction of this state extends to all places within its boundaries as established by the constitution, but the extent of such jurisdiction over places that have been or may be ceded to, or purchased or condemned by, the United States, is qualified by the terms of such cession or the laws under which such purchase or condemnation has been or may be made.

54-0107. *Legislative consent to purchase of lands by United States; Jurisdiction.*—The legislative assembly consents to the purchase or condemnation by the United States of any tract within this state for the purpose of erecting forts, magazines, arsenals, and other needful buildings, upon the express condition that all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state against any person charged with crime, may be served and executed thereon in the same manner and by the same officers as if the purchase or condemnation had not been made.

54-0108. *Jurisdiction ceded to lands acquired by United States for military post.*—Jurisdiction is ceded to the United States over any tract of land that may be acquired by the United States on which to establish a military post. Legal process, civil and criminal, of this state, shall extend over all land acquired by the United States to establish a military post in any case in which exclusive jurisdiction is not vested in the United States, and in any case where the crime is not committed within the limits of such reservation.

OHIO

Baldwin's Ohio Revised Code, Annotated, 1953, chapter 159, sections—

159.01 (13768). *Acquisition of title to land by United States.*—Whenever it is necessary for the United States to acquire title to a tract of land in this state for any purpose, and the state gives its consent to such acquisition, the United States may acquire such land by appropriation; and for such purpose the "Act prescribing the mode of assessment and collection of compensation to the owners of private property appropriated by and to the use of corporations," passed April 23, 1872, and all acts amendatory thereof, are hereby made applicable, and said United States, in appropriating such property, shall, in all respects, be governed by the acts referred to in this section, and such other acts supplemental thereto and amendatory thereof as may be in force when such proceedings take place; provided that the United States may pay the cost, including such reasonable attorney fees as are allowed by the court, to the person whose property is sought to be appropriated, and refuse to make the appropriation, if in their judgment the compensation assessed is too great to justify the appropriation.

159.03 (13770). *Consent of state given to acquisition by United States of land required for Government purposes.*—The consent of the state is hereby given, in accordance with clause 17, Section 8, Article I, United States Constitution, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in this

state required for sites for custom houses, courthouses, post offices, arsenals, or other public buildings whatever, or for any other purposes of the government.

159.04 (13771). *Exclusive jurisdiction over land ceded to the United States; exceptions.*—Exclusive jurisdiction in and over any land acquired by the United States under section 159.03 of the Revised Code is hereby ceded to the United States, for all purposes except the service upon such sites of all civil and criminal process of the courts of this state. The jurisdiction so ceded shall continue no longer than the said United States owns such lands.

159.05 (13772). *Jurisdiction shall vest; voting.*—The jurisdiction ceded under section 159.04 of the Revised Code shall not vest until the United States has acquired title to the lands by purchase, condemnation, or otherwise. As long as the lands remain the property of the United States they are exempt and exonerated from all state, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this state. Sections 159.03 to 159.06, inclusive, of the Revised Code do not prevent any officers, employees, or inmates of any national asylum for disabled volunteer soldiers located on any such land over which jurisdiction is ceded, who are qualified voters of this state from exercising the right of suffrage at all township, county, and state elections in any township in which such national asylum is located.

Chapter 3503, section—

3503.03 (4785-32). *Inmates of soldier's homes.*—Infirm or disabled soldiers who are inmates of a national home for such soldiers, who are citizens of the United States and have resided in this state one year next preceding any election, and who are otherwise qualified as to age and residence within the county and township shall have their lawful residence in the county and township in which such home is located.

OKLAHOMA

Oklahoma Statutes Annotated, title 29, section—

§ 604. *National Forest Lands—Rules and regulations of Federal Government.*—The consent of the State of Oklahoma be and hereby is given to the making by Congress of the United States or under its authority, of all such rules and regulations as the Federal Government may determine to be needful in respect to game animals, game and non-game birds and fish on or in and over National Forest Lands within the State of Oklahoma. Laws 1951, p. 90, § 604.

Title 80, sections—

§ 1. *State's consent to acquisition of lands by United States.*—The consent of the State of Oklahoma is hereby given, in accordance with

the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation or otherwise, of any land in this state required for sites for custom houses, postoffices, arsenals, forts, magazines, dockyards, military reserves, forest reserves, game preserves, national parks, irrigation or drainage projects, or for needful public buildings or for any other purposes for the government. (R. L., 1910, § 3190; Laws 1915, ch. 46, § 1.)

§ 2. *Jurisdiction ceded to United States over lands acquired.*—Exclusive jurisdiction in and over any lands so acquired by the United States shall be, and the same is hereby ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this State; but the jurisdiction so ceded shall continue no longer than the said United States shall own such lands. (R. L. 1910, § 3191.)

§ 3. *Vesting of jurisdiction—Exemption of lands from taxation.*—The jurisdiction ceded shall not vest until the United States shall have acquired the title of said lands by purchase, condemnation or otherwise; and so long as the said lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all State, county and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this State. (R. L. 1910, § 3192.)

OREGON

Oregon Revised Statutes, 1953, chapter 272, sections—

272.020 *Conveyance of site to United States for aid to navigation; jurisdiction.*—Whenever the United States desires to acquire title to land belonging to the state, and covered by the navigable waters of the United States, within the limits hereof, for the site of lighthouse, beacon or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for one of such purposes, the Governor may convey the title to the United States, and cede to the United States jurisdiction over the same; provided, no single tract shall contain more than 10 acres. The State of Oregon shall retain concurrent jurisdiction, so far that all process, civil or criminal, issuing under the authority of the state, may be executed by the proper officers thereof upon any person amenable to the same within the limits of land so ceded, in like manner and to like effect as if this section had never been passed.

272.030 *Acquisition of land for Federal buildings; jurisdiction.*—Consent hereby is given to the United States to purchase or otherwise acquire any lands within the State of Oregon for the purpose of

erecting thereon any needful public buildings, under authority of any Act of Congress. The United States may enter upon and occupy any such lands which may be purchased or otherwise acquired, and shall have the right of exclusive jurisdiction over the same except that all process, civil or criminal, issuing under authority of the laws of the State of Oregon, may be executed by the proper officers thereof upon any person amenable to the same within the limits of the land so acquired, in like manner and to the same effect as if this section had not been passed.

PENNSYLVANIA

Purdon's Pennsylvania Statutes Annotated (1953), title 74, sections—

§ 1. *Jurisdiction of state ceded to the United States, in certain cases.*—The jurisdiction of this State is hereby ceded to the United States of America over all such pieces or parcels of land, not exceeding ten acres in any one township, ward or city, or borough, within the limits of this State, as have been or shall hereafter be selected and acquired by the United States for the purpose of erecting post offices, custom houses or other structures, exclusively owned by the general government, and used for its purposes: Provided, That an accurate description and plan of such lands, so acquired, verified by the oath of some officer of the general government having knowledge of the facts, shall be filed with the Department of Internal Affairs of this State, as soon as said United States shall have acquired possession of the same.

All such descriptions and plans heretofore filed with the Secretary of the Commonwealth shall, as soon as it may conveniently be done, be transferred to the Department of Internal Affairs, and the Department of Internal Affairs shall give to the Secretary of the Commonwealth proper receipts for such descriptions and plans.

The jurisdiction so ceded to the United States of America is granted upon the express condition that the Commonwealth of Pennsylvania shall retain concurrent jurisdiction, with the United States in and over the lands and buildings aforesaid, in so far that civil process in all cases, and such criminal process as may issue under the authority of the Commonwealth of Pennsylvania against anyone charged with crime committed outside said land, may be executed thereon in the same manner as if this jurisdiction had not been ceded. The United States shall retain such jurisdiction so long as the said land shall be used for the purposes for which jurisdiction is ceded and no longer.

The jurisdiction so ceded to the United States shall be upon the further condition that the Commonwealth reserves to itself and its

political subdivisions whatever power of taxation it may constitutionally reserve, to levy and collect all taxes now or hereafter imposed by the Commonwealth and its political subdivisions upon property, persons, and franchises within the boundaries so ceded. 1883, June 13, P. L. 118; § 1; 1905, March 17, P. L. 45, § 1; 1933, May 2, P. L. 223, § 1; 1945, April 17, P. L. 235, § 1.

§ 11. *Consent to acquisition of lands for dams, locks, etc., by the United States.*—Whenever the United States shall make an appropriation, and shall be about to begin the improvement of any of the navigable waters within the state of Pennsylvania, by means of locks and permanent and moveable dam or dams with adjustable chutes, the consent of the state of Pennsylvania, through the governor thereof, is hereby given to the acquisition by the United States, by purchase, or by condemnation in the manner hereinafter provided, of any lands, buildings or other property, necessary for the purpose of erecting thereon dams, abutments, locks, lockhouses, chutes and other necessary structures for the construction and maintenance of slack water navigation on said rivers, and the United States shall have, hold, use and occupy the said land or lands, buildings, or other property, when purchased or acquired as provided by this act, and shall exercise jurisdiction and control over the same, concurrently with the state of Pennsylvania. 1887, May 18, P. L. 121, § 1.

RHODE ISLAND

Rhode Island General Laws of 1938 (Annotated), title 1, chapter 1, sections—

§ 2. The jurisdiction of the state shall extend to, and embrace, all places within the boundaries thereof, except as to those places that have been ceded to the United States, or have been purchased by the United States with the consent of the state, Provided, however, with respect to all land, the jurisdiction over which shall have been ceded to the United States by the State of Rhode Island, the said State of Rhode Island shall have and hereby does retain concurrent jurisdiction with the United States of and over said land, for the sole and only purpose of serving and executing thereon civil and criminal process issuing by virtue of and under the laws and authority of the State of Rhode Island.

§ 4. The premises described in the preceding section shall be exempt from all taxes and assessments and other charges which may be levied or imposed under the authority of said state and shall so continue to be exempt as long as said property shall remain the property of the United States and no longer. (P. L., 1919, Ch. 1717.)

Title 1, chapter 2, sections—

§ 1. The consent of the state of Rhode Island is given to the purchase by the government of the United States, or under the authority of the same, of any tract, piece, or parcel of land from any person within the limits of the state for the purpose of erecting thereon post-offices, light-houses, beacon-lights, range-lights, life-saving stations, and light-keepers' dwellings, and other needful public buildings or for the location, construction, or prosecution of forts, fortifications, coast defences, and appurtenances thereto, or for the location and maintenance of any cable-lines, landing-places, terminal stations, and other needful buildings connected therewith for weather-bureau purposes, or for the establishment of naval stations or coal depots, or the erection of buildings, piers, wharves, or other structures for naval uses, or for the establishment of fish or lobster cultural stations or hatcheries, or the erection or construction of other needful buildings connected therewith or for the erection or construction of piers, wharves, dams, or other structures for use in connection with said fish or lobster cultural stations or hatcheries; and all deeds, conveyances, or title papers for the same shall be recorded, as in other cases, upon the land records of the town in which the land so conveyed may lie; the consent herein given being in accordance with the 17th clause of the 8th section of the first article of the constitution of the United States and with the acts of congress in such cases made and provided. (P. L., 1926, Chap. 805, amending P. L., 1918, Chap. 1608.)

§ 2. The lots, parcels, or tracts of land so selected, together with the tenements and appurtenances for the purposes before mentioned, shall be held exempt from taxation by the State of Rhode Island.

§ 5. Whenever it shall be made to appear to the superior court, upon the application of any authorized agent of the United States, that said United States is desirous of purchasing any tract of land, and the right of way thereto, within the limits of this state, for the erection of a light-house, beacon-light, range-light, life-saving station, or light-keeper's dwelling, or for the location, construction, or prosecution of forts, fortifications, coast defences and appurtenances thereto, and that the owner of said land is unknown, nonresident, or a minor, or from any other cause is incapable of making a perfect title to said lands, or in case the said owners, being residents and capable of conveying, shall, from disagreement in price, or from any other cause, refuse to convey said lands to the United States the said court shall order notice upon said application to be published in the newspaper published nearest the place where the land lies, also in a newspaper published in Newport, and in a newspaper published in Providence, once in each week for the space of 4 months, which notice shall contain

an accurate description of the said lands, together with the names of the owners, or supposed owners, and shall require all persons interested in said lands to appear on a day and at a place to be specified in said notice, and to make their objections, if any they have, to having the lands condemned to the United States for the use aforesaid. Whereupon, the said court shall proceed to empanel a jury, as in other cases, to appraise the value of said lands, as their fair market value, and all damages sustained by the owners thereof by the appropriation thereof by the United States for the purpose aforesaid; which award, when so assessed, with the entire costs of said proceedings, shall be paid into the general treasury of the state, and thereupon the sheriff of the county in which such land lies, upon the production of the certificate of the general treasurer that the said amount has been paid, shall execute to the United States, and deliver to their authorized agent, a deed of the said lands, reciting the proceedings in said cause, which said deed shall convey to the United States a good and absolute title to the said lands for the purposes aforesaid, against all persons whatsoever.

§ 9. All civil and criminal processes issued under the authority of this state or of any department, division or officer thereof may be served and executed on any lot, piece, parcel or tract of land acquired by the United States as aforesaid under the authority of this chapter, and in any buildings or structures that may be erected thereon, in the same manner as if jurisdiction had not been ceded as aforesaid. (P. L. 1935, Ch. 2199.)

SOUTH CAROLINA

Code of Laws of South Carolina, 1952, Annotated, title 28, chapter 1, article 3, section—

§ 28-40. *Consent to Congress making rules and regulations.*—The consent of the General Assembly is hereby given to the making by the Congress of the United States, or under its authority, of all such rules and regulations as the Federal government shall determine to be needful in respect to game animals, game birds, non-game birds and fish on such lands and waters in the State as shall have been, or may hereafter be, purchased by the United States under the terms of the act of Congress of March 1, 1911, entitled "An Act to Enable any State to Cooperate with any other State or States, or with the United States for the Protection of the Watersheds of Navigable Streams and to Appoint a Commission for the Acquisition of Lands for the Purpose of Conserving the Navigability of Navigable Rivers" (36 United States Statutes at Large, page 961) and acts of Congress supplementary thereto and amendatory thereof. (Acts 1922, p. 106.)

1952 (47) 2179.

Title 39, chapter 2, article 1, sections—

§ 39-51. *General consent to acquire lands.*—The consent of this State is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States by purchase, condemnation, or otherwise of any land in this State required for sites for custom houses, court houses, post offices, arsenals or other public buildings whatever or for any other purposes of the government.

1942 Code § 2042; 1932 Code § 2042; 1908 (25) 1127.

§ 39-52. *Jurisdiction over such lands; service of process.*—Exclusive jurisdiction in and over any land so acquired by the United States pursuant to the consent given by § 39-51 shall be, and the same is hereby, ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this State. The jurisdiction so ceded shall continue no longer than the United States shall own such lands.

1942 Code § 2042; 1932 Code § 2042; 1908 (25) 1127.

§ 39-53. *Jurisdiction not to vest until title acquired.*—The jurisdiction ceded in any case pursuant to § 39-52 shall not vest until the United States shall have acquired the title to any such lands by purchase condemnation or otherwise.

1942 Code § 2042; 1932 Code § 2042; 1908 (25) 1127.

§ 39-54. *Exemption from taxation.*—So long as any land acquired by the United States pursuant to the consent given by § 39-51 shall remain the property of the United States, and no longer, such lands shall be and continue exempt and exonerated from all State, county and municipal taxation, assessments or other charges which may be levied or imposed under the authority of this State.

1942 Code § 2042; 1932 Code § 2042; 1908 (25) 1127.

Chapter 2, article 2, sections—

§ 39-61. *Land purchased for arsenals and magazines.*—In addition to the authority granted with respect to arsenals by article 1 of this chapter the United States or such person as may be by it authorized may purchase in any part of this State that may be thought most eligible the fee simple of any quantity of land, not exceeding two thousand acres, for the purpose of erecting arsenals and magazines thereon.

1942 Code § 2043; 1932 Code § 2043; Civ. C. '22 § 5; Civ. C. '12 § 5; Civ. C. '02 § 4; G. S. 4; R. S. 4; 1795 (5) 260.

§ 39-62. *Valuing lands if parties cannot agree.* If the person whose land may be chosen for the above mentioned purpose should not be disposed to sell it or if the persons appointed to make the purchase should not be able to agree upon terms with such owner of such land, it shall be valued, upon oath, by a majority of persons to be appointed by the court of common pleas of the county where such land is situated for that purpose and the land shall be vested in the United States upon their paying the amount of such valuation to the owner of such land.

1942 Code § 2044; 1932 Code § 2044; Civ. C. '22 § 6; Civ. C. '12 § 6; Civ. C. '02 § 5; R. S. 5; 1795 (5) 260.

§ 39-63. *Concurrent jurisdiction retained by State over such lands.*—Such land, when purchased, and every person and officer residing or employed thereon, whether in the service of the United States or not, shall be subject and liable to the government of this State and the jurisdiction, laws and authority thereof. The United States shall exercise no more authority or power within the limits of such land than it might have done before acquiring it or than may be necessary for the building, repairing or internal government of the arsenals and magazines thereon to be erected and the regulation and the management thereof and of the officers and persons by them to be employed in or about the same.

1942 Code § 2045; 1932 Code § 2045; Civ. C. '22 § 7; Civ. C. '12 § 7; Civ. C. '02 § 6; G. S. 6; 1795 (5) 260.

§ 39-64. *Exemption from taxation.*—Such lands shall forever be exempt from any taxes to be paid to this State.

1942 Code § 2045; 1932 Code § 2045; Civ. C. '22 § 7; Civ. C. '12 § 7; Civ. C. '02 § 6; G. S. 6; 1795 (5) 260.

Chapter 2, article 3, sections—

§ 39-71. *Power of Governor to convey or cede tracts.*—Whenever the United States desires to acquire title to land belonging to the State and covered by the navigable waters of the United States, within the limits thereof, for the site of a lighthouse, beacon or other aid to navigation and application is made by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, the Governor may convey the title to the United States and cede to the United States jurisdiction over such land; *provided*, that no single tract so conveyed shall contain more than ten acres.

1942 Code § 2047; 1932 Code § 2047; Civ. C. '22 § 9; Civ. C. '12 § 9; Civ. C. '02 § 8; G. S. 8; 1874 (15) 790.

§ 39-72. *Concurrent jurisdiction; service of process.*—The State shall retain concurrent jurisdiction so far that all process, civil or criminal, issuing under the authority of the State, may be executed by the proper officers thereof upon any person amenable to such process within the limits of land so ceded in like manner and to like effect as if this article had never been enacted.

1942 Code § 2047; 1932 Code § 2047; Civ. C. '22 § 9; Civ. C. '12 § 9; Civ. C. '02 § 8; G. S. 8; R. S. 8; 1874 (15) 790.

Chapter 2, Article 4, Sections—

§ 39-81. *Jurisdiction ceded.*—The jurisdiction of the State is hereby ceded to the United States over so much land as is necessary for the public purposes of the United States; *provided*, that the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the lands by grant or deed from the owner thereof and the evidences thereof shall have been recorded in the office where, by law, the title to such land is recorded. The United States is to retain such jurisdiction so long as such lands shall be used for the purposes aforementioned and no longer.

1942 Code § 2048; 1932 Code § 2048; Civ. C. '22 § 10; Civ. C. '12 § 10; Civ. C. '02 § 9; G. S. 9; R. S. 9; 1871 (14) 535.

§ 39-82. *Retention of certain jurisdiction; service of process.*—Such jurisdiction is granted upon the express condition that the State shall retain a concurrent jurisdiction with the United States in and over such lands, so far as that civil process in all cases not affecting the real or personal property of the United States and such criminal or other process as shall issue under the authority of the State against any person charged with crimes or misdemeanors committed within or without the limit of such lands may be executed therein in the same way and manner as if no jurisdiction had been hereby ceded.

1942 Code § 2048; 1932 Code § 2048; Civ. C. '22 § 10 Civ. P. '12 § 10; Civ. C. '02 § 9; G. S. 9; R. S. 9; 1871 (14) 535.

§ 39-83. *Exemption from taxation.*—All lands and tenements which may be granted to the United States pursuant to the provisions of § 39-81 shall be and continue, so long as the same shall be used for the purposes in said section mentioned, exonerated and discharged from all taxes, assessments and other charges which may be imposed under the authority of the State.

1942 Code § 2049; 1932 Code § 2049; Civ. C. '22 § 11; Civ. C. '12 § 11; Civ. C. '02 § 10; G. S. 10; R. S. 10; 1871 (15) 536.

SOUTH DAKOTA

Constitution of South Dakota, article XXVI, section 18, paragraph—

FIFTH. That jurisdiction is ceded to the United States over the military reservations of Fort Meade, Fort Randall and Fort Sully, heretofore declared by the President of the United States: Provided legal process, civil and criminal, of this state shall extend over such reservations in all cases of which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations.

These ordinances shall be irrevocable without the consent of the United States, and also the people of the said state of South Dakota, expressed by their legislative assembly.

South Dakota Code of 1939, chapter 55.01, sections—

55.0101 *Sovereignty and jurisdiction: extent and limitations.*—The sovereignty and jurisdiction of this state extends to all territory within its established boundaries except as to such places wherein jurisdiction is expressly ceded to the United States by the state Constitution, or wherein jurisdiction has been heretofore or may be hereafter ceded to the United States, with the consent of the people of this state, expressed by their Legislature and the consent of the United States.

55.0102 *United States government: jurisdiction; authority to acquire land; purchase or condemnation; concurrent rights, service of process state and federal government.*—The people of this state by their Legislature consent to the purchase or condemnation, by the United States, in the manner prescribed by law, of any tract of land within this state owned by any natural person or private corporation, required by the United States for any public building, public work, or other public purpose; provided that in the case of public buildings such tract shall not exceed ten acres in extent.

Jurisdiction is ceded to the United States over any tract of land acquired under the provisions of this section to continue only so long as the United States shall own and occupy such tract. During which time the same shall be exempt from all taxes, assessments, and other charges levied or imposed under authority of the state.

The consent and jurisdiction mentioned in this section are given and ceded upon the express condition that all civil and criminal process, issued from the courts of this state, may be served and executed in and upon any tract of land so acquired by the United States, in the same manner and by the same officers as if such purchase or condemnation had not been made, except in so far as such process may affect the real or personal property of the United States.

55.0107 *General cession of jurisdiction to United States: property acquired by donation or otherwise for public purposes; acquired grants confirmed; concurrent jurisdiction for service of process retained.*—Jurisdiction of the lands and their appurtenances which have been or may be acquired by the United States through donations from this state or other states or private persons or which may have been acquired by exchange, purchase, or condemnation by the United States for use of the National Sanitarium in Fall River county; Fish Lake in Aurora county; Wind Cave National Park; the Bad Lands National Monument or Park, and for other public purposes of the United States is hereby ceded to the United States and all such prior grants or donations of this state are hereby confirmed; provided however, that all civil or criminal process, issued under the authority of this state or any officer thereof, may be executed on such lands and in the buildings which may be located thereon in the same manner as if jurisdiction had not been ceded.

TENNESSEE

Williams Tennessee Code, Annotated, 1934, part I, title 2, chapter 1, article II, sections—

96-82 (70). *Sovereignty is coextensive with boundary.*—The sovereignty and jurisdiction of the state is coextensive with the boundaries thereof, but the extent of such jurisdiction over places that have been or may be ceded to the United States is qualified by the terms of such cession.

98-99. [Repealed.]

COMPILER'S NOTE.—Section 1, Acts 1943, ch. 10, repealed these sections, the same being the general acts of cession.

Section 2, Acts 1943, ch. 10, provides: "As to any lands heretofore acquired by the United States Government, the map or plans of which and description by metes and bounds has not been filed in the county court clerk's office of the county in which the same was situated, by the date of the passage of this act, the same shall not be permitted to be filed. It is the purpose of this act to terminate definitely on the date of its passage any further or additional cession of jurisdiction of property to the United States under the provisions of Code sections 98 and 99. Jurisdiction over property in respect to which Code sections 98 and 99 have not been fully complied with shall not be treated or deemed as ceded and it is specifically provided that section 12 of the Code, or any similar section, shall have no application to the provisions and requirements of this act."

Emergency Clause.—Section 3, Acts 1943, ch. 10 declared an emergency.

Part I, title 3, chapter 7A, article V, section—

1012.33. *Acknowledgments, affidavits, etc., of members of the armed forces taken before commissioned officers thereof.*—1. As used in this act the term “armed forces” shall include all persons serving in the army, navy and marine corps of the United States.

2. In addition to the acknowledgment of instruments and the performance of other notarial acts in the manner and form and as otherwise provided by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other notarial acts performed in connection with any pleading or other instrument to be filed or used in any court in this state, before or by any commissioned officer in active service of the armed forces of the United States, with the rank of second lieutenant or higher, in the army or marine corps, or with the rank of ensign or higher, in the navy or coast guard, or with equivalent rank in any other component part of the armed forces of the United States, by any person who is a member of the armed forces of the United States.

3. Such acknowledgment of instruments, attestation of documents, administration of oaths and affirmations, execution of depositions and affidavits, and performance of other notarial acts as aforesaid, heretofore or hereafter made or taken, are hereby declared legal, valid and binding, and instruments and documents so acknowledged, authenticated, or sworn to, shall be admissible in evidence and eligible to record in this state under the same circumstances, and with the same force and effect, as if such acknowledgment, attestation, oath, affirmation, deposition, affidavit or other notarial act as aforesaid, had been made or taken within this state before or by a duly qualified officer or official as otherwise provided by law. Provided the validation of such instruments shall apply only to those executed since the first day of November, 1940.

4. In the taking of acknowledgments and the performing of other notarial acts requiring certification, a certificate endorsed upon or attached to the instrument or documents, which shows the date of the notarial act and which states, in substance, that the person appearing before the officer acknowledged the instrument as his act, or made or signed the instrument or document under oath, shall be sufficient for all intents and purposes. The instrument or document shall not be rendered invalid by the failure to state the place of execution or acknowledgment.

If the signature, rank and branch of service or subdivision thereof of any such commissioned officer appear upon such instrument or

document, or certificate, no further proof of the authority of such officer so to act shall be required, and such action by such commissioned officer shall be prima facie evidence that the person making such oath or acknowledgment is within the purview of this act. (1945, ch. 5, secs. 1-4.)

Part I, Title 5, Chapter 1, Article IV, Section—

1085 689 (542). *Exemptions enumerated.*—The property herein enumerated shall be exempt from taxation :

(1) *Public property.*—All property of the United States, all property of the State of Tennessee, or any county, or of any incorporated city, town, or taxing district in the state that is used exclusively for public, county or municipal purposes. (1907, ch. 602, sec. 2.)

Part III, title 2, Chapter 15A, Section—

9572.18. *Who may petition for adoption and change of name; joinder of spouse.*—(1) Any person over twenty-one years of age may petition the chancery court to adopt a minor child and may pray for a change of the name of such child. If the petitioner has a husband or wife living, competent to join in the petition, such spouse shall join in the petition.

(2) Provided, however, that if the spouse of the petitioner is a natural parent of the child to be adopted, such spouse need not join in the petition but need only to give consent as provided herein.

(3) Provided further, that the petitioner or petitioners shall have resided in Tennessee, or on federal territory within the boundaries of Tennessee for one year next preceding the filing of the petition. (1951, ch. 202, sec. 4.)

Public Statutes of the State of Tennessee, 1858-71—

Cemeteries

1866-7.—Chapter XLIV

Whereas, In the late bloody sacrifice to restore and maintain to the people of Tennessee the imperiled free institutions of our fathers, more than fifty-five thousand of our fallen patriots were buried in our State, and the government of our common Union has provided appropriate cemeteries for the remains of these victims of rebellion, and requires that these cemeteries be held sacred under the protection of the nation ; therefore,

* * *

SEC. 2. That the exclusive jurisdiction over all tracts and parcels of land, with the buildings and appurtenances belonging to the same,

including the quarters for officers, keepers, guards, or soldiers in charge of the same and the premises connected therewith, now, or at any time hereafter purchased, used or occupied by the United States, their officers or agents, for cemeteries or burial places, within the limits of this State, is hereby ceded to the United States; and whenever such premises shall be no longer required, used, or occupied by the United States, the jurisdiction of such abandoned property may revert to the State of Tennessee.

SEC. 3. The property over which jurisdiction is ceded herein, shall be held exonerated and free from any taxation or assessment under the authority of this State, or of any municipality therein, until the jurisdiction shall have reverted; and the title and possession to said cemeteries, grounds, buildings, and appurtenances, shall be protected to the United States; and no process of any court shall be permitted against the same, or to dispossess the officers or agents of the United States thereof, without restricting any just claim for damages or value in the forum or mode provided by the United States for prosecuting the same.

SEC. 4. That any malicious, willful, reckless, or voluntary injury to, or mutilation of the graves, monuments, fences, shrubbery, ornaments, walks, or buildings of any of said cemeteries, or burial places, or appurtenances, shall subject the offender or offenders, each, to a fine of not less than twenty dollars; to which may be added, for an aggravated offense, imprisonment, not exceeding six months, in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

TEXAS

Vernon's Annotated Constitution of the State of Texas, article 16, section—

SEC. 34. The Legislature shall pass laws authorizing the Governor to lease, or sell to the Government of the United States, a sufficient quantity of the public domain of the State necessary for the erection of forts, barracks, arsenals, and military stations, or camps, and for other needful military purposes; and the action of the Governor therein shall be subject to the approval of the Legislature.

Vernon's Annotated Revised Civil Statutes of the State of Texas (Revision of 1955), title 85—

ART. 5242. 5252 *Authorized uses.*—The United States Government through its proper agent, may purchase, acquire, hold, own, occupy and possess such lands within the limits of this State as it deems expedient and may seek to occupy and hold as sites on which to erect and

maintain lighthouses, forts, military stations, magazines, arsenals, dock yards, customhouses, post offices and all other needful public buildings, and for the purpose of erecting and constructing locks and dams, for the straightening of streams by making cutoffs, building levees, or for the erection of any other structures, or improvements that may become necessary in developing or improving the waterways, rivers and harbors of Texas and the consent of the Legislature is hereby expressly given to any such purchase or acquisition made in accordance with the provisions of this law. Acts 1905, p. 101.

ART. 5243. 5253 *Condemnation proceedings*.—Whenever the land owner and the authorized Federal agent cannot agree upon the purchase price, then such agent may institute condemnation proceedings against such owner. Id.

ART. 5244. 5271 *Immediate occupancy*.—Upon the filing of the award of the commissioners with the county judge, if the United States Government shall deposit the amount of the award of the commissioners, together with all costs adjudged against the United States, they may proceed immediately to the occupancy of the said land and to the construction of their said improvements without awaiting the decision of the county court. Id.

ART. 5244a. *Municipal corporations and political subdivisions or districts; conveyances to United States in aid of navigation, flood control, etc.; prior conveyances validated*.—SECTION 1. When any County one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any County contiguous to any County of such described class, and when any City, Town, Independent School District, Common School District, Water Improvement District, Water Control and Improvement District, Navigation District, Road District, Levee District, Drainage District, or any other municipal corporation, political subdivision or District organized and existing under the Constitution and laws of this State, which may be located within any County of such described class, may be the owner of any property, land, or interest in land desired by the United States of America to enable any department or establishment thereof to carry out the provisions of any Act of Congress in aid of navigation, flood control, or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, any such County, City, Town, or other municipal corporation, political subdivision, or District of this State is hereby authorized and empowered, upon request by the United States through its proper officers for conveyance of title or

easement to any part of such property, land, or interest in land, which may be necessary for the construction, operation, and maintenance of such works, to convey the same with or without monetary consideration therefor to the United States of America, or to any other of the political subdivisions herein enumerated which by resolution of its governing body may have heretofore agreed or may hereafter agree to acquire and convey the same, for ultimate conveyance to the United States of America and all such conveyances heretofore made are hereby ratified and confirmed. Provided that nothing in this Act is intended, nor shall this Act cede any of the rights of the Arroyo-Colorado Navigation District of Cameron and Willacy Counties, which District was formed in 1927 under the Acts of the Thirty-ninth Legislature, from dredging, widening, straightening, or otherwise improving the Arroyo-Colorado and all other lakes, bays, streams or bodies of water within said Navigation District or adjacent or appurtenant thereto, as a Navigation Project or the construction of turning basins, yacht basins, port facilities, reserving to said District all rights conferred by law in developing said Navigation Project and all improvements incident, necessary or convenient thereto.

SEC. 2. If any section, word, phrase, or clause in this Act be declared unconstitutional for any reason, the remainder of this Act shall not be affected thereby. Acts 1937, 45th Leg., p. 145, ch. 77.

ART. 5244a-2. *Commissioners' Courts authorized to convey land to United States for flood control near Mexican boundary.*—SECTION 1. The Commissioners' Court of any county one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or any county contiguous to any such county, which may have entered into an agreement with the United States of America to acquire and upon request convey to the United States, with or without monetary consideration, land or interest in land desired by the United States to enable any department or establishment thereof to carry out the provisions of any Act of Congress in aid of navigation, irrigation, flood control, or improvement of water courses, and in order to accomplish the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas, is hereby authorized and empowered, upon request by the United States through its proper officers for conveyance of title to land or interest in land, which may be necessary for the construction, operation, and maintenance of such works, to secure by gift, purchase or by condemnation, for ultimate conveyance to the United States, the land or interest in land described in such request from the United States, and to pay for

the same out of any special flood-control funds or any available county funds. Provided, that in the event of condemnation by the county the procedure shall be the same as that set out in Title 52, Articles 3264 to 3271 inclusive, Revised Civil Statutes of Texas of 1925, and Acts amendatory thereof, and supplementary thereto; Provided, further, that at any time after the award of the Special Commissioners the county may file a declaration of taking signed by the County Judge, after proper resolution by the Commissioners' Court, declaring that the lands, or interest therein, described in the original petition are thereby taken for a public purpose and for ultimate conveyance to the United States. Said declaration shall contain and have annexed thereto—

(1) A description of the land taken sufficient for the identification thereof.

(2) A statement of the estate or interest in said land taken, and the public use to be made thereof.

(3) A plan showing the lands taken.

(4) A statement of the amount of damage awarded by the Special Commissioners, or, by the jury on appeal for the taking of said land.

SEC. 2. Upon the filing of said declaration of taking with the County Clerk and the deposit of the amount of the award in money with the County Clerk, subject to the order of the defendant, and the payment of the costs, if any, awarded against the county, title in fee simple, or such less estate or interest therein specified in said declaration, shall immediately vest in the county, and said land shall be deemed to be condemned and taken for the uses specified, and may be forthwith conveyed to the United States and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said eminent domain proceeding and established by judgment therein against the county filing the said declaration; provided, further, that no appeal from such award nor service of process by publication shall have the effect of suspending the vesting of title in said county and the only issue shall be the question as to the amount of damages due to the owner from said county for the appropriation of said lands or interest therein for such public purpose. Acts 1939, 46th Leg., p. 482.

ART. 5245. 5273, 372, 331. *State land*.—When this State may be the owner of any land desired by the United States for any purpose specified in this title, the Governor may sell such land to the United States, and upon payment of the purchase money therefor into the Treasury, the Land Commissioner, upon the order of the Governor, shall issue a patent to the United States for such land in like manner

as other patents are issued. Acts 1854, p. 102; P. D. 5450; G. L. vol. 3, p. 1546.

ART. 5246. 5274, 373, 332. *To record title*.—All deeds of conveyances, decrees, patents, or other instruments vesting title in lands within this State in the United States, shall be recorded in the land records of the county in which such lands, or a part thereof, may be situated, or in the county to which such county may be attached for judicial purposes and until filed for record in the proper county they shall not take effect as to subsequent purchasers in good faith, for a valuable consideration, and without notice. Acts 1871, p. 19; P. D. 7693, G. L. Vol. 6, p. 921.

ART. 5247. 5275-6. *Federal jurisdiction*.—Whenever the United States shall acquire any lands under this title and shall desire to acquire constitutional jurisdiction over such lands for any purpose authorized herein, it shall be lawful for the Governor, in the name and in behalf of the State, to cede to the United States exclusive jurisdiction over any lands so acquired, when application may be made to him for that purpose, which application shall be in writing and accompanied with the proper evidence of such acquisition, duly authenticated and recorded, containing or having annexed thereto, an accurate description by metes and bounds of the lands sought to be ceded. No such cession shall ever be made except upon the express condition that this State shall retain concurrent jurisdiction with the United States over every portion of the lands so ceded, so far, that all process, civil or criminal issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed by the proper officers of the State, upon any person amenable to the same within the limits of the land so ceded, in like manner and like effect as if no such cession had taken place; and such condition shall be inserted in such instrument of cession. Acts 1849, p. 12; G. L. vol 3, p. 450.

ART. 5248. 5277, 376, 335. *Exempt from taxation*.—The United States shall be secure in their possession and enjoyment of all lands acquired under the provisions of this title; and such lands and all improvements thereon shall be exempt from any taxation under the authority of this State so long as the same are held, owned, used and occupied by the United States for the purposes expressed in this title and not otherwise; provided, however, that any personal property located on said lands which is privately owned by any person, firm, association of persons or corporation shall be subject to taxation by this State and its political subdivisions; and provided, further, that

any portion of said lands and improvements which is used and occupied by any person, firm, association of persons or corporation in its private capacity, or which is being used or occupied in the conduct of any private business or enterprise, shall be subject to taxation by this State and its political subdivisions. As amended Acts 1950, 51st Leg., 1st C. S., p. 105, ch. 37, § 1.

Emergency. Effective March 17, 1950.

ART. 5248c. Counties authorized to convey lands to the United States.—**SECTION 1.** That any county having title to a plot of ground used for public purposes which is of area in excess of the needs of the county for its public purposes may sell, at private sale, for any fair consideration, and approved by its Commissioners Court, such excess area or any part thereof to the United States of America under the provisions of the Statutes of the United States of America authorizing the acquisition of sites for public buildings. The Commissioners Court of any county is hereby invested with full power to determine whether such excess of area exists, and the extent to which such excess may be sold and conveyed for any such purpose.

SEC. 2. All conveyances to the United States of America under the provisions of this Act must be authorized by the Commissioners Court of the county by an order entered upon its minutes in which it shall describe the portion of such plot of public ground to be conveyed, the consideration to be paid and shall direct that the County Judge of such county execute in the name of the county by him as County Judge a conveyance to the United States of America and make due delivery thereof upon payment of such consideration to its proper officer, which conveyance shall be in such form and contain such covenants and warranties as may be prescribed by said Commissioners Court.

SEC. 3. That all proceedings and orders heretofore had and made by the Commissioners Court of any county undertaking to sell and provide for the conveyance of a part or parts of any plot of ground such as is described in Section 1 hereof to the United States of America, pursuant to any advertisement by its officers inviting proposals to sell site for any public building be and the same are hereby validated, and legalized, as well as any deed executed and delivered or hereafter executed and delivered carrying out any such sale.

SEC. 3a. Provided, however, said Commissioners Court shall incorporate in any deed of conveyance to the United States of America a provision reserving concurrent jurisdiction over said lands for the purpose of serving all State criminal and civil process. Acts 1939, 46th Leg., p. 138.

UTAH

Utah Code Annotated 1953, title 20, chapter 2, section 14, subsection—

(11) Any person living upon any Indian or military reservation shall not be deemed a resident of Utah within the meaning of this chapter, unless such person had acquired a residence in some county in Utah prior to taking up his residence upon such Indian or military reservation.

Title 63, chapter 8, sections—

63-8-1. *Jurisdiction over land acquired or leased by United States—Reservations by state—Duration of jurisdiction.*—Jurisdiction is hereby ceded to the United States in, to and over any and all lands or territory within this state which have been or may be hereafter acquired by the United States by purchase, condemnation or otherwise for military or naval purposes and for forts, magazines, arsenals, dockyards and other needful buildings of every kind whatever authorized by Act of Congress, and in, to and over any and all lands or territory within this state now or hereafter held by the United States under lease, use permit, or reserved from the public domain for any of the purposes aforesaid; this state, however, reserving the right to execute its process, both criminal and civil within such territory. The jurisdiction so ceded shall continue so long as the United States shall own, hold or reserve land for any of the aforesaid purposes, or in connection therewith, and no longer.

63-8-2. *Governor to execute conveyances.*—The governor is hereby authorized and empowered to execute all proper conveyances in the cession herein granted, upon request of the United States or the proper officers thereof, whenever any land shall have been acquired, leased, used, or reserved from the public domain for such purposes.

63-8-4. *Concurrent jurisdiction with United States.*—The state of Utah retains concurrent jurisdiction, both civil and criminal, with the United States over all lands affected by this act.

VERMONT

The Vermont Statutes, Revision of 1947, title 3, chapter 4, sections—

60. *Concurrent jurisdiction reserved.*—When, pursuant to article one, section eight, clause seventeen of the Constitution of the United States, consent to purchase is given and exclusive jurisdiction ceded to the United States in respect to and over any lands within this state which shall be acquired by the United States for the purposes described in such clause of the Constitution, such jurisdiction shall

continue so long as the lands are held and occupied by the United States for public purposes; but concurrent jurisdiction is reserved for the execution upon such lands of all process, civil or criminal, issued by the courts of the state and not incompatible with the cession. The deed or other conveyance of such land to the United States shall contain a description of such lands by metes and bounds and shall be recorded in the town clerk's office of the town in which such lands lie or an accurate map or plan and description by metes and bounds of such lands shall be filed in such clerk's office.

P. L. § 51. G. L. § 40. 1917, No. 254, § 44. 1910, No. 1, § 2. P. S. § 38. V. S. § 2207. 1891, No. 15, § 1.

61. *Consent to purchase.*—Subject to the provisions of section 60, consent to purchase is hereby given and exclusive jurisdiction is ceded to the United States in respect to and over so much land as the United States has or may acquire for the purposes described in article one, section eight, clause seventeen of the Constitution of the United States. However, with respect to land hereafter sought to be acquired by the United States for flood control purposes or for other needful buildings as specified in such clause of the Constitution of the United States, the consent of the state shall not be deemed to have been given unless and until such land has been acquired by the state and conveyed to the United States in the manner provided by chapter 241 with respect to public works projects and with the written approval of the governor.

1939, No. 2, § 1. P. L. § 52. G. L. § 41. 1917, No. 254, § 45. 1910, No. 1, §§ 1, 2.

VIRGINIA

Code of Virginia, 1950, Annotated, title 7, chapter 3, sections—

§ 7-17. *Lands acquired for various purposes.*—The United States, having by consent of the General Assembly purchased, leased, or obtained jurisdiction over various parcels of land in this State for the erection of forts, magazines, arsenals, dockyards and other needful buildings, for national cemeteries, for conservation of forests and natural resources, and for various other purposes, and the transfers of the property and jurisdiction authorized by the several acts of the Assembly under which the cessions were made being subject to certain terms and conditions therein expressed, and under certain restrictions, limitations and provisions therein set forth, it is hereby declared that this State retains concurrent jurisdiction with the United States over the said places, so far as it lawfully can, consistently with the acts of Assembly before-mentioned, and its courts, magistrates and officers may take such cognizance, execute such process, and discharge such

other legal functions within and upon the same as may not be incompatible with the true intent and meaning of such acts of Assembly. (Code 1919, § 17.)

§ 7-18. *Sites for lighthouses or other aids to navigation.*—Whenever the United States desires to acquire title to, or to lease land, whether under water or not, belonging to the State for the site of a lighthouse, beacon, life-saving station, or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for any of the purposes aforesaid, the Governor of the State shall have authority to convey or to lease, as the case may be, the site to the United States, provided, that no single parcel shall contain more than ten acres. And it is hereby declared that the title to the land so conveyed or leased to the United States, and the possession thereof, shall revert to the State, unless the construction of a lighthouse, beacon, life-saving station, or other aid to navigation be begun within two years after such conveyance or lease is made, and be completed within ten years thereafter; or, if completed, the use of the site for the purpose for which it is granted or leased be discontinued for five years consecutively after such construction is completed.

It is expressly provided, however, that, in case of any such lease or conveyance of any such property, there is hereby reserved in the Commonwealth of Virginia, over all lands therein embraced, the jurisdiction and power to levy a tax on oil, gasoline and all other motor fuels and lubricants thereon owned by others than the United States and a tax on the sale thereof, on such lands, except sales to the United States for use in the exercise of essentially governmental functions. There is further expressly reserved in the Commonwealth the jurisdiction and power to serve criminal and civil process on such lands and to license and regulate, or to prohibit, the sale of intoxicating liquors on any such lands and to tax all property, including buildings erected thereon, not belonging to the United States and to require licenses and impose license taxes upon any business or businesses conducted thereon. For all purposes of taxation and of the jurisdiction of the courts of Virginia over persons, transactions, matters and property on such lands, the lands shall be deemed to be a part of the county or city in which they are situated. Any such conveyance or lease as herein provided for shall be deemed to have been made upon the express condition that the reservations of power and limitations hereinabove provided for are recognized as valid by the United States, and, in the event the United States shall deny the validity of the same as to all or any part of such lands, then, and in that event, the title and possession of all or any such part of such lands shall immediately revert to the Commonwealth. Over all lands leased or conveyed to the United States by the Governor pursuant to the

authority herein conferred, the Commonwealth hereby cedes to the United States the power and jurisdiction to protect such lands and all property of the United States thereon from damage, depredation or destruction, to regulate traffic on the highways thereon and all necessary jurisdiction and power to operate and administer such lands and property thereon for the purposes for which the same may be conveyed to the United States, but the jurisdiction and power hereby ceded to the United States shall not be construed as being in any respect inconsistent with or as in any way impairing the jurisdiction and powers hereinabove specifically reserved to the Commonwealth. (Code 1919, § 18; 1936, p. 609.)

§ 7-19. *Sites for customs houses, courthouses, arsenals, forts, naval bases, etc.*—The conditional consent of the Commonwealth of Virginia is hereby given to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any lands in Virginia, whether under water or not, from any individual, firm, association or body corporate, for sites for customs houses, courthouses, arsenals, forts, naval bases, military or naval air ports or airplane landing fields or for any military or naval purpose. The conditions upon which this consent is given are as follows:

That there is hereby reserved in the Commonwealth, over all lands so acquired by the United States for the purposes aforesaid, the jurisdiction and power to levy a tax on oil, gasoline and all other motor fuels and lubricants thereon owned by others than the United States and a tax on the sale thereof, on such lands, except sales to the United States for use in the exercise of essentially governmental functions. There is further expressly reserved in the Commonwealth the jurisdiction and power to serve criminal and civil process on such lands and to license and regulate, or to prohibit, the sale of intoxicating liquors on any such lands and to tax all property, including buildings erected thereon, not belonging to the United States and to require licenses and impose license taxes upon any business or businesses conducted thereon. For all purposes of taxation and of the jurisdiction of the courts of Virginia over persons, transactions, matters and property on such lands, the lands shall be deemed to be a part of the county or city in which they are situated. Any such acquisition by or conveyance or lease to the United States, as is herein provided for, shall be deemed to have been secured or made upon the express condition that the reservations of power and limitations hereinabove provided for are recognized as valid by the United States, and, in the event the United States shall deny the validity of the same, as to all or any part of such lands, then and in that event, the title and possession of all or any such part of such lands conveyed to the United States by the Commonwealth shall im-

mediately revert to the Commonwealth. Over all lands acquired by or leased or conveyed to the United States pursuant to the conditional consent herein conferred, the Commonwealth hereby cedes to the United States concurrent jurisdiction, legislative, executive and judicial, with respect to the commission of crimes and the arrest, trial and punishment therefor, and also cedes to the United States the power and jurisdiction to protect such lands and all property of the United States thereon from damage, depredation or destruction, to regulate traffic on the highways thereon and all necessary jurisdiction and power to operate and administer such lands and property thereon for the purposes for which the same may be conveyed to the United States, but the jurisdiction and power hereby ceded to the United States shall not be construed as being in any respect inconsistent with or as in any way impairing the jurisdiction and powers hereinabove specifically reserved to the Commonwealth. The jurisdiction and powers hereby ceded shall not apply to lands acquired for the purposes enumerated in § 7-21. Whenever the United States shall cease to use any of such lands so acquired for any one or more of the purposes hereinabove set forth, the jurisdiction and powers herein ceded shall as to the same cease and determine, and shall revert to the Commonwealth.

Nothing herein contained shall affect any special act heretofore or hereafter passed ceding jurisdiction to the United States. (Code 1919, § 19; 1936, p. 610; 1940, p. 754.)

§ 7-20. *Sites for post offices, etc.*—The unconditional consent of the Commonwealth of Virginia is hereby given to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any lands in Virginia, from any individual, firm, association or body corporate, for sites for post offices, or for services incidental to postal work; provided, however, there is hereby expressly reserved in the Commonwealth the jurisdiction and power to serve criminal and civil process on such lands.

Whenever the United States shall cease to use any of such lands so acquired for any one or more of the purposes hereinabove set forth, the jurisdiction and powers herein ceded shall as to the same cease and determine, and shall revert to the Commonwealth. (1940, p. 749; Michie Code 1942, § 19f.)

§ 7-21. *Soldiers' homes, conservation, improvement of rivers, harbors, etc.*—The conditional consent of the Commonwealth of Virginia is hereby given to the acquisition by the United States, or under its authority, by purchase or lease, or in cases where it is appropriate that the United States exercise the power of eminent domain, then by condemnation, of any lands in Virginia from any individual, firm, association or private corporation, for soldiers' homes, for the con-

servation of the forests or natural resources, for the retirement from cultivation and utilization for other appropriate use of sub-marginal agricultural lands, for the improvement of rivers and harbors in or adjacent to the navigable waters of the United States, for public parks and for any other proper purpose of the government of the United States not embraced in § 7-19.

Over all lands heretofore or hereafter acquired by the United States for the purposes mentioned in this section, the Commonwealth hereby cedes to the United States the power and jurisdiction to regulate traffic over all highways maintained by the United States thereon, to protect the lands and all property thereon belonging to the United States from damage, depredation or destruction and to operate and administer the lands and property thereon for the purposes for which the same shall be acquired by the United States. The Commonwealth hereby reserves to herself all other powers and expressly and specifically reserves the jurisdiction and power to levy a tax on oil, gasoline and all other motor fuels and lubricants, on such lands, not belonging to the United States, and a tax on the sale thereof on any part of any lands acquired by the United States for the purposes embraced in this section. The Commonwealth hereby further reserves expressly and specifically the jurisdiction and power to tax, license and regulate, or to prohibit, the sale of intoxicating liquors on any such lands so acquired; to tax all property, including buildings erected thereon, not belonging to the United States; to require licenses and impose license taxes upon any business or businesses conducted thereon. For all purposes of taxation and of the jurisdiction of the courts of Virginia over persons, transactions, matters and property on such lands, the lands shall be deemed to be a part of the county or city in which they are situated. The above powers enumerated as expressly and specifically reserved to the Commonwealth shall not be construed as being in any respect inconsistent with or impaired by the powers herein ceded to the United States.

The Commonwealth hereby further reserves unto herself over all such lands exclusive governmental, judicial, executive and legislative powers, and jurisdiction in all civil and criminal matters, except in so far as the same may be in conflict with the jurisdiction and powers herein ceded to the United States. (1936, p. 611; Michie Code 1942, § 19c.)

§ 7-23. *Waste, unappropriated and marsh lands.*—(1) *Waste and unappropriated lands.*—The Governor is authorized to execute in the name of the Commonwealth deeds conveying, subject to the jurisdictional and other limitations and reservations contained in §§ 7-21 and 7-25, to the United States such title as the Commonwealth may have

in waste and unappropriated lands entirely surrounded by lands owned by the United States, when the same are certified as being vacant and unappropriated by a duly authorized agent of the United States and are described by metes and bounds descriptions filed with the Secretary of the Commonwealth and with the clerk of the court in the county wherein such unappropriated land is situated.

(2) *Marsh lands in certain counties.*—The Governor is authorized to execute, in the name and on behalf of the Commonwealth, a deed or other appropriate instrument conveying to the United States of America, without any consideration but subject to the jurisdictional limitations and reservations contained in §§ 7-21 and 7-25, such right, title and interest in or easement over and across the marshes lying along the sea side of the counties of Accomack and Northampton as may be necessary and proper for the construction, operation and maintenance of a canal or channel for small boats over and through such marsh lands. (1946, pp. 94, 651.)

§ 7-24. *Ceding additional jurisdiction to the United States.*—(1) In addition to the jurisdiction and powers over certain lands ceded to the United States by §§ 7-18, 7-19 and 7-21, there is hereby ceded to the United States concurrent jurisdiction over crimes and offenses committed on lands acquired since March twenty-eighth, nineteen hundred and thirty-six, and hereafter acquired by the United States in Virginia by purchase, lease, condemnation or otherwise, for sites for customs houses, courthouses, arsenals, forts, naval bases, military or naval airports, or airplane landing fields, veterans hospitals, or for any military or naval purpose, and there is hereby ceded to the United States such additional jurisdiction and powers over lands acquired by the United States in Virginia by purchase or condemnation as hereinafter provided.

(2) Whenever the head or other authorized officer of any department or independent establishment or agency of the United States shall deem it desirable that such additional jurisdiction or powers be ceded over any lands in Virginia acquired or proposed to be acquired by the United States under his immediate jurisdiction, custody or control, and whenever the Governor and Attorney General of Virginia shall agree to the same, the Governor and Attorney General shall execute and acknowledge a deed in the name of and under the lesser seal of the Commonwealth ceding such additional jurisdiction. The deed shall accurately and specifically describe the area and location of the land over which the additional jurisdiction and powers are ceded and shall set out specifically what additional jurisdiction and powers are ceded, and may set out any reservations in the Com-

monwealth of jurisdiction which may be deemed proper in addition to those referred to in subsection (6) hereof.

(3) In the event that the United States does not desire to accept all or any part of the jurisdiction and powers ceded by §§ 7-18, 7-19 and 7-21 the deed shall set out specifically the jurisdiction and powers which it is desired not to accept.

(4) No such deed shall become effective or operative until the jurisdiction therein provided for is accepted on behalf of the United States as required by section three hundred and fifty-five of the Revised Statutes of the United States. The head or other authorized officer of a department or independent establishment or agency of the United States shall indicate such acceptance by executing and acknowledging such deed and admitting it to record in the office of the clerk of the court in which deeds conveying the lands affected would properly be recorded.

(5) When such deed has been executed and acknowledged on behalf of the Commonwealth and the United States, and admitted to record as hereinbefore set forth, it shall have the effect of ceding to and vesting in the United States the jurisdiction and powers therein provided for and none other.

(6) Every such deed as is provided for in this section shall reserve in the Commonwealth over all lands therein referred to the jurisdiction and power to serve civil and criminal process on such lands and in the event that the lands or any part thereof shall be sold or leased to any private individual, or any association or corporation, under the terms of which sale or lease the vendee or lessee shall have the right to conduct thereon any private industry or business, then the jurisdiction ceded to the United States over any such lands so sold or leased shall cease and determine, and thereafter the Commonwealth shall have all jurisdiction and power she would have had if no jurisdiction or power had been ceded to the United States. This provision, however, shall not apply to post exchanges, officers' clubs and similar activities on lands acquired by the United States for purposes of national defense. It is further provided that the reservations provided for in this subsection shall remain effective even though they should be omitted from any deed executed pursuant to this section.

(7) Nothing contained in this section shall be construed as repealing any special acts ceding jurisdiction to the United States to acquire any specific tract of land. (1940, p. 761; Michie Code 1942, § 19e.)

§ 7-25. Reversion to Commonwealth; recorded title prerequisite to vesting of jurisdiction.—If the United States shall cease to be the owner of any lands, or any part thereof, granted or conveyed to it by the Commonwealth, or if the purposes of any such grant or conveyance

of the United States shall cease, or if the United States shall for five consecutive years fail to use any such land for the purposes of the grant or conveyance, then, and in that event, the right and title to such land or such part thereof, shall immediately revert to the Commonwealth.

All deeds, conveyances or title papers for the transfer of title of lands to the United States shall be recorded in the county or corporation wherein the land or the greater part thereof lies, but no tax shall be required on any such instrument made to the United States by which they acquire lands for public purposes.

The jurisdiction ceded by §§ 7-18, 7-19 and 7-21, shall not vest until the United States shall have acquired the title of record to such lands, or rights or interest therein, by purchase, condemnation, lease or otherwise. So long as the lands, or any rights or interest therein, are held in fee simple by the United States, and no longer, such lands, rights or interest, as the case may be, shall continue exempt and exonerated, from all state, county and municipal taxes which may be levied or imposed under the authority of this State. (1936, p. 612; Michie Code 1942, § 19d.)

WASHINGTON

The Constitution of the State of Washington, article XXV, section—

§ 1. *Authority of the United States.*—The consent of the State of Washington is hereby given to the exercise, by the congress of the United States, of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the Constitution of the United States, so long as the same shall be so held and reserved by the United States. *Provided:* That a sufficient description by metes and bounds, and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States: and *provided*, that all civil process issued from the courts of this state and such criminal process as may issue under the authority of this state against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein given had not been made.

Revised Code of Washington, 1951, 37, title 37, chapter 37.04, sections—

37.04.010. *Consent given to acquisition of land by United States.*—The consent of this state is hereby given to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any land acquired, or to be acquired, in this state by the United States, from any individual, body politic or corporate, as sites for forts, magazines, arsenals, dockyards, and other needful buildings or for any other purpose whatsoever. The evidence of title to such land shall be recorded as in other cases. [1939 c 126 § 1; RRS § 8108-1.]

37.04.020. *Concurrent jurisdiction ceded—Reverter.*—Concurrent jurisdiction with this state in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States, for all purposes for which the land was acquired; but the jurisdiction so ceded shall continue no longer than the United States shall be the owner of such land, and if the purposes of any grant to or acquisition by the United States shall cease, or the United States shall for five consecutive years fail to use any such land for the purposes of the grant or acquisition, the jurisdiction hereby ceded over the same shall cease and determine, and the right and title thereto shall revert in the state. The jurisdiction ceded shall not vest until the United States shall acquire title of record to such land. [1939 c 126 § 2; RRS § 8108-2.]

37.04.030. *Reserved jurisdiction of state.*—The state of Washington hereby expressly reserves such jurisdiction and authority over land acquired or to be acquired by the United States as is not inconsistent with the jurisdiction ceded to the United States by virtue of such acquisition. [1939 c 126 § 3; RRS § 8108-3.]

37.04.040. *Previous cessions of jurisdiction saved.*—Jurisdiction heretofore ceded to the United States over any land within this state by any previous act of the legislature shall continue according to the terms of the respective cessions: *Provided*, That if jurisdiction so ceded has not been affirmatively accepted by the United States, or if the United States has failed or ceased to use any such land for the purposes for which acquired, jurisdiction thereover shall be governed by the provisions of this chapter. [1939 c 126 § 4; RRS § 8108-4.]

Title 37, Chapter 37.08, Sections—

37.08.010. *County may aid in acquisition of land for permanent military reservations.* Whenever the Secretary of War shall agree, on behalf of the federal government, to establish in any county now or hereafter organized in this state a permanent mobilization, training, and supply station for any or all such military purposes as are

now or may be hereafter authorized or provided by or under federal law, on condition that land in such county aggregating approximately a designated number of acres at such location or locations as may have been or hereafter be from time to time selected or approved by the Secretary of War, be conveyed to the United States, with the consent of the state of Washington, free from cost to the United States, and the board of county commissioners of such county shall adjudge that it is desirable and for the general welfare and benefit of the people of the county and for the interest of the county to incur an indebtedness in an amount sufficient to acquire land in such county aggregating approximately the number of acres so designated at such location or locations as have been or may be hereafter selected or approved by the Secretary of War, and convey all of such lands to the United States to be used by the United States for any or all such military purposes, including supply stations, the mobilization, disciplining, and training of the United States army, state militia, and other military organizations as are now or may be hereafter authorized or provided by or under federal law, such county is hereby authorized and empowered by and through its board of county commissioners to contract indebtedness for such purposes in any amount not exceeding, together with the existing indebtedness of such county, five percent of the taxable property of such county, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, whenever three-fifths of the voters of such county, voting on the question assent thereto at an election to be held for that purpose consistent with the general election laws, which election may be a special or general election. [1917 c 4 § 2.]

37.08.180. *Jurisdiction ceded.*—Pursuant to the Constitution and laws of the United States, and especially article 1, section 8, paragraph 17 of such Constitution, the consent of the state of Washington is hereby given to the United States to acquire by donation from any county acting under the provisions hereof, title to all lands acquired hereunder to be evidenced by the deed or deeds of such county, signed by the chairman of its board of county commissioners and attested by the clerk thereof under the seal of the board; and the consent of the state of Washington is hereby given to the exercise by the congress of the United States of exclusive legislation in all cases whatsoever, over such tracts or parcels of land so conveyed to it: *Provided*, That upon such conveyance being concluded, a sufficient description by metes and bounds and an accurate plat or map of each tract or parcel of land shall be filed in the office of the auditor of the county in which the lands are situated, together with copies

of the orders, deeds, patents, or other evidences in writing of the title of the United States: *Provided further*, That all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state, against any person charged with crime in cases arising outside of such reservation, may be served and executed thereon in the some mode and manner and by the same officers as if the consent herein given had not been made [1917 c 4 § 22.]

WEST VIRGINIA

The West Virginia Code of 1955, Annotated, chapter 1, article 1, sections—

§ 3. [3] *Acquisition of Lands by United States; Jurisdiction.*—The consent of this State is hereby given to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any land acquired, or to be acquired in this State by the United States, from any individual, body politic or corporate, for sites for lighthouses, beacons, signal stations, post offices, customhouses, courthouses, arsenals, soldiers' homes, cemeteries, locks, dams, armor plate manufacturing plants, projectile factories or factories of any kind or character, or any needful buildings or structures or proving grounds, or works for the improvement of the navigation of any water-course, or work of public improvement whatever, or for the conservation of the forests, or for any other purpose for which the same may be needed or required by the government of the United States. The evidence of title to such land shall be recorded as in other cases.

Any county, magisterial district or municipality, whether incorporated under general law or special act of the legislature, shall have power to pay for any such tract or parcel of land and present the same to the Government of the United States free of cost, for any of the purposes aforesaid, and to issue bonds and levy taxes for the purpose of paying for the same; and, in the case of a municipal corporation, the land so purchased and presented may be within the corporate limits of such municipality or within five miles thereof: *Provided*, however, That no such county, magisterial district or municipality shall, by the issue and sale of such bonds, cause the aggregate of its debt to exceed the limit fixed by the Constitution of this State: *Provided further*, That the provisions of the Constitution and statutes of this State, or of the special act creating any municipality, relating to submitting the question of the issuing of bonds and all questions connected with the same to a vote of the people, shall, in all respects, be observed and complied with.

Concurrent jurisdiction with this State in and over any land so acquired by the United States shall be, and the same is hereby, ceded

to the United States for all purposes; but the jurisdiction so ceded shall continue no longer than the United States shall be the owner of such lands and if the purposes of any grant to the United States shall cease, or the United States shall for five consecutive years fail to use any such land for the purposes of the grant, the jurisdiction hereby ceded over the same shall cease and determine, and the right and title thereto shall reinvest in this State. The jurisdiction ceded shall not vest until the United States shall acquire title of record to such land. Jurisdiction heretofore ceded to the United States over any land within this State by any previous acts of the legislature shall continue according to the terms of the respective cessions. (1881, c. 20 § 4; 1909, c. 61; 1917, 2nd Ex. Sess., c. 5; Code 1923, c. 1, § 4.)

§ 4. [4] *Execution of Process and Other Jurisdiction as to Land Acquired by United States.*—The State of West Virginia reserves the right to execute process civil or criminal within the limits of any lot or parcel of land heretofore or hereafter acquired by the United States as aforesaid, and such other jurisdiction and authority over the same as is not inconsistent with the jurisdiction ceded to the United States by virtue of such acquisition (1881, c. 20 § 5; Code 1923, c. 1, § 5.)

WISCONSIN

Wisconsin Statutes, 1953, title 1, chapter 1, sections—

1.01. *State sovereignty and jurisdiction.*—The sovereignty and jurisdiction of this state extend to all places within the boundaries thereof as declared in the constitution, subject only to such rights of jurisdiction as have been or shall be acquired by the United States over any places therein; and it shall be the duty of the governor, and of all subordinate officers of the state, to maintain and defend its sovereignty and jurisdiction. Such sovereignty and jurisdiction are hereby asserted and exercised over the St. Croix river from the eastern shore thereof to the center or thread of the same, and the exclusive jurisdiction of the state of Minnesota to authorize any person or corporation to obstruct the navigation of said river east of the center or thread thereof, or to enter upon the same and build piers, booms or other fixtures, or to occupy any part of said river east of the center or thread thereof for the purpose of sorting or holding logs, is denied; such acts can only be authorized by the concurrent consent of the legislature of this state.

1.02. *United States sites and buildings.*—Subject to the conditions mentioned in section 1.03 the legislature hereby consents to the acquisition heretofore effected and hereafter to be effected by the United States, by gift, purchase or condemnation proceedings, of the title to places or tracts of land within the state; and, subject to said conditions,

the state hereby grants, cedes and confirms to the United States exclusive jurisdiction over all such places and tracts. Such acquisitions are limited to the following purposes:

(1) To sites for the erection of forts, magazines, arsenals, dockyards, custom houses, courthouses, post offices, or other public buildings or for any purpose whatsoever contemplated by the seventeenth clause of section eight of article one of the constitution of the United States.

(2) To all land now or hereafter included within the boundaries of Camp McCoy in townships 17, 18 and 19 north, ranges 2 and 3 west, near Sparta, in Monroe county, to be used for military purposes as a target and maneuvering range and such other purposes as the department of the army may deem necessary and proper.

(3) To erect thereon dams, abutments, locks, lockkeepers' dwellings, chutes, or other structures necessary or desirable in improving the navigation of the rivers or other waters within and on the borders of this state.

(4) To the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 6, township 19 north, range 2 west of the fourth principal meridian to be used for military purposes as a target and maneuvering range and such other purposes as the department of the army may deem necessary and proper.

HISTORY: 1953 c. 548, 549.

1.03 *Concurrent jurisdiction over United States sites; conveyances.*—The conditions mentioned in section 1.02 are the following conditions precedent:

(1) That an application setting forth an exact description of the place or tract so acquired shall be made by an authorized officer of the United States to the governor, accompanied by a plat thereof, and by proof that all conveyances and a copy of the record of all judicial proceedings necessary to the acquisition of an unincumbered title by the United States have been recorded in the office of the register of deeds of each county in which such place or tract may be situated in whole or in part.

(2) That the ceded jurisdiction shall not vest in the United States until they shall have complied with all the requirements on their part of sections 1.02 and 1.03, and shall continue so long only as the place or tract shall remain the property of the United States.

(3) That the state shall forever retain concurrent jurisdiction over every such place or tract to the extent that all legal and military process issued under the authority of the state may be served anywhere thereon, or in any building situate in whole or in part thereon.

1.04. *United States sites exempt from taxation.*—Upon full compliance by the United States with the requirements of sections 1.02 and 1.03, relating to the acquisition of any place or tract within the state

the governor shall execute in duplicate, under the great seal, a certificate of such consent given and of such compliance with said sections, one of which shall be delivered to such officer of the United States and the other filed with the secretary of state. Such certificate shall be sufficient evidence of such consent of the legislature and of such compliance with the conditions specified. All such places and tracts after such acquisition and while owned by the United States, shall be and remain exempt from all taxation and assessment by authority of the state.

1.05. *United States sites for aids to navigation*.—Whenever the United States shall desire to acquire title to any land belonging to the state and covered by the navigable waters of the United States, for sites for lighthouses, beacons, or other aids to navigation, the governor may, upon application therefor by any authorized officer of the United States, setting forth an exact description of the place desired, and accompanied by a plat thereof, grant and convey to the United States, by a deed executed by him in the name of the state and under the great seal, all the title of the state thereto; and such conveyance shall be evidence of the consent of the legislature to such purchase upon the conditions specified in section 1.03.

WYOMING

Wyoming Compiled Statutes, 1945, Annotated, chapter 24, article 8, sections—

24-801. *Acquisition of lands by purchase or condemnation—Reservation of mineral rights*.—The United States shall be and is authorized to acquire by purchase or condemnation or otherwise, any land in this State required for public buildings, custom houses, arsenals, national cemeteries, or other purposes essential to the National Defense in necessary use of said land by armed naval, air or land forces, or land to be physically occupied by the Boysen Dam, its reservoir, power plant and distribution systems, or lands to be physically occupied by dams, reservoirs, power plants and distribution systems in United States Reclamation Service Projects, and the State of Wyoming hereby consents thereto, provided that the mineral content of lands so acquired, if owners thereof so elect, shall be reserved to such owners. [Laws 1897, ch. 17, § 1; R. S. 1899, § 2657; C. S. 1910, § 697; C. S. 1920, § 810; R. S. 1931, § 118-101; Laws 1941, ch. 97, § 1.]

24-802. *Jurisdiction ceded to United States*.—The jurisdiction of the State of Wyoming in and over any land so acquired by the United States shall be, and the same is hereby [§§ 24-801—24-804] ceded to the United States, but the jurisdiction so ceded shall continue no longer than the said United States shall own the said land. [Laws

1897, ch. 17, § 2; R. S. 1899, § 2658; C. S. 1910, § 698; C. S. 1920, § 811; R. S. 1931, § 118-102.]

24-803. *Jurisdiction retained by state in certain cases.*—The said consent is given and the said jurisdiction ceded upon the express condition that the state of Wyoming shall retain concurrent jurisdiction with the United States in and over the said land, so far as that all civil process, in all cases, and such criminal and other process as may issue under the laws or authority of the state of Wyoming against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States. [Laws 1897, ch. 17, § 3; R. S. 1899, § 2659; C. S. 1910, § 699; C. S. 1920, § 812; R. S. 1931, § 118-103.]

24-804. *When jurisdiction vests.*—The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said lands by purchase or condemnation or otherwise, and so long as the said land shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this state. [Laws 1897, ch. 17, § 4; R. S. 1899, § 2660; C. S. 1910, § 700; C. S. 1920, § 813, R. S. 1931, § 118-104.]

GENERAL STATUTES GRANTING CONSENT OF STATES TO PURCHASE OF LANDS UNDER THE MIGRATORY BIRD CONSERVATION ACT¹
(16 U. S. C. 715-715r)

Alabama.—The Code of Alabama, 1940, title 8, section 110.

Arkansas.—Arkansas Statutes, 1947, section 10-1111.

California.—Deering's California Codes, Fish and Game Code division 3, chapter 5, sections 375-380.

Colorado.—Colorado Revised Statutes, 1953, chapter 142, article 1, section 142-1-2.

Connecticut.—The General Statutes of Connecticut, Revision of 1949, title LVII, chapter 360, section 7172.

¹ Section 8 of the Migratory Bird Conservation Act (16 U. S. C. 715g) expressly provides that the jurisdiction of the State over persons upon migratory-bird reservations shall not be affected or changed; and section 12 of the Weeks Forestry Act, as amended (16 U. S. C. 480), states that the State in which any national forest is situated shall not lose its jurisdiction over such national forest, nor the inhabitants thereof their rights and privileges as citizens. In view of these provisions of Federal law the United States does not exercise legislative jurisdiction over the properties to which they pertain and holds them in proprietorial interest status only, notwithstanding State consent to Federal acquisition of such properties. The Committee feels that the mentioned State consent statutes are of sufficient importance and are sufficiently related to the subject of legislative jurisdiction that references to them should be included in this Appendix.

Delaware.—Laws of the State of Delaware, 1931, title 2, chapter 3, pages 18–19.

Georgia.—Code of Georgia, Annotated, 1933, section 15–304.

Idaho.—Idaho Code (Published by authority of Laws 1947, chapter 224), chapter 26, section 36–2605.

Illinois.—Jones Illinois Statutes Annotated, chapter 126, sections 126.369–126.370.

Indiana.—Burns Indiana Statutes Annotated (1951 Replacement), title 11, chapter 9, section 11–909.

Iowa.—Code of Iowa, 1954, title 1, chapter 1, sections 1.9–1.10.

Kansas.—General Statutes of Kansas, Annotated, 1949, chapter 27, article 1, section 27–115.

Kentucky.—Kentucky Revised Statutes, 1953, chapter 150, section 150.270.

Louisiana.—Louisiana Revised Statutes of 1950, title 52, chapter 1, section 1.

Maine.—Revised Statutes of the State of Maine, 1954, chapter 36, section 31.

Maryland.—The Annotated Code of Maryland, Edition of 1951, article 96, section 31.

Michigan.—The Compiled Laws of the State of Michigan, 1948, section 3.321.

Minnesota.—Minnesota Statutes Annotated, part 1, chapter 1, section 1.041.

Mississippi.—Mississippi Code 1942, Annotated, title 23, chapter 2, section 5928.

Missouri.—Vernon's Annotated Missouri Statutes, title II, chapter 12, section 12.050.

Nebraska.—Revised Statutes of Nebraska, 1943, chapter 37, article 4, section 37–423.

Nevada.—Nevada Compiled Laws, Supplement 1943–49, sections 2898.02–2898.16.

New Hampshire.—New Hampshire Revised Statutes Annotated, 1955, title IX, chapter 121, sections 121 : 1–21 : 8.

New Jersey.—New Jersey Statutes Annotated, title 23, chapter 4, section 23 : 4–56.

New Mexico.—New Mexico Statutes, 1953, Annotated, chapter 7, article 2, section 7–2–2.

New York.—McKinney's Consolidated Laws of New York, Annotated, Book 10, Conservation Law, article 4, section 367.

North Carolina.—The General Statutes of North Carolina (Recompiled 1950), chapter 104, article 1, section 104–10.

North Dakota.—North Dakota Revised Code of 1943, title 20, chapter 20—11, section 20—1113.

Ohio.—Baldwin's Ohio Revised Code, Annotated, 1953, section 159.03.

Oklahoma.—Oklahoma Statutes Annotated, title 29, section 603.

Oregon.—Oregon Revised Statutes, 1953, chapter 272, section 272.060.

Rhode Island.—Rhode Island General Laws of 1938 (Annotated), title 1, chapter 2, section 3.

South Carolina.—Code of Laws of South Carolina, 1952, title 39, chapter 2, article 1, section 39.51.

South Dakota.—South Dakota Code of 1939, title 25, chapter 25.02, section 25.0202.

Tennessee.—Williams Tennessee Code, Annotated, 1934, title 12, chapter 3, article XV, sections 5193.1—5193.2.

Texas.—Vernon's Annotated Revised Civil Statutes of the State of Texas (Revision of 1925), title 67, article 4050a.

Vermont.—The Vermont Statutes, Revisions of 1947, title 30, chapter 279, section 6556.

Virginia.—Acts of the General Assembly of the State of Virginia, 1930, chapter 272, approved March 24, 1930, page 697.

Washington.—Revised Code of Washington, 1951, title 37, chapter 37.08, section 37.08.230.

West Virginia.—The West Virginia Code of 1955, chapter 1, article 1, section 3.

Wisconsin.—Wisconsin Statutes, 1953, title 1, chapter 1, section 1.036.

STATE STATUTES GIVING CONSENT OF STATES TO PURCHASE OF LANDS UNDER THE WEEKS FORESTRY ACT OF MARCH 1, 1911¹ (36 STAT. 961), AS AMENDED

Alabama.—The Code of Alabama, 1940, title 59, section 2.

Arkansas.—Arkansas Statutes, 1947, sections 10—1105 and 10—1106.

California.—Deering's California Codes, Government Code, title I, division 1, chapter 1, section 126.

Florida.—Florida Statutes Annotated, title II, chapter 6, sections 6.06—6.07.

Georgia.—Code of Georgia, Annotated, section 15—304.

Idaho.—Idaho Code (Published by Authority of Laws 1947, chapter 224), title 58, chapter 7, section 58—706.

Illinois.—Jones Illinois Statutes Annotated, chapter 137, sections 137.19—137.20.

¹ See footnote on p. 226.

Indiana.—Burns Indiana Statutes Annotated (1951 Replacement), title 62, chapter 10, sections 62-1019 and 62-1020.

Iowa.—Code of Iowa, 1954, title 1, chapter 1, sections 1.9-1.10.

Kentucky.—Kentucky Revised Statutes, 1953, chapter 3, section 3.080.

Louisiana.—Louisiana Revised Statutes of 1950, title 56, chapter 4, section 1483.

Maine.—Revised Statutes of the State of Maine, 1954, chapter 36, sections 28-32.

Michigan.—The Compiled Laws of the State of Michigan, 1948, sections 3.401 and 3.402.

Minnesota.—Minnesota Statutes Annotated, sections 1.041-1.043, 1.045-1.047.

Mississippi.—Mississippi Code 1942, Annotated, title 17, chapter 11, sections 4156 and 4156A.

Missouri.—Vernon's Annotated Missouri Statutes, title 2, chapter 12, sections 12.010 and 12.020.

Montana.—Revised Codes of Montana, 1947, Annotated, title 83, chapter 1, section 83-110.

Nevada.—Nevada Compiled Laws, Supplement 1931-1941, sections 2899-2899.02.

New Hampshire.—Laws of the State of New Hampshire, 1903, chapter 137, approved January 20, 1903, page 147; New Hampshire Revised Statutes Annotated, 1955, title IX, chapter 121, sections 121:1-121:8.

New Mexico.—Laws of the State of New Mexico, 1937, chapter 158, approved March 15, 1937, page 441.

North Carolina.—The General Statutes of North Carolina (Recompiled 1950), chapter 104, article 1, section 104-5.

North Dakota.—North Dakota Revised Code of 1943, title 54, chapter 54-01, sections 54-0115 and 54-0116.

Ohio.—Baldwin's Ohio Revised Code, Annotated, 1953, chapter 1503, section 1503.32.

Oklahoma.—Oklahoma Statutes Annotated, title 80, sections 6-7.

Oregon.—Oregon Revised Statutes, 1953, chapter 272, sections 272.040, 272.050.

Pennsylvania.—Purdon's Pennsylvania Statutes Annotated, Title 32, chapter 3, sections 101-4.

Rhode Island.—Rhode Island General Laws of 1938 (Annotated), title I, chapter 2, section 4.

South Carolina.—Code of Laws of South Carolina, 1952, Annotated, title 39, chapter 2, article 5, sections 39-91 to 39-95.

South Dakota.—South Dakota Code of 1939, title 55, chapter 55.01, section 55.0103.

Tennessee.—Williams Tennessee Code, Annotated, 1934, title 12, chapter 3, article XVII, sections 5201.2–5201.8.

Texas.—General Laws of the State of Texas, 1933, Senate Concurrent Resolution No. 73, filed in Department of State, May 26, 1933, page 1013.

Utah.—Utah Code Annotated 1953, title 65, chapter 6, section 65–6–1.

Vermont.—The Vermont Statutes, Revision of 1947, title 3, chapter 4, sections 63–65.

Virginia.—Acts and Joint Resolutions passed by the General Assembly of the State of Virginia, Extra Session of 1901, chapter 229, approved February 15, 1901, page 247.

Washington.—Revised Code of Washington, 1951, title 37, chapter 37.08, section 37.08.220.

West Virginia.—Acts of the Legislature of West Virginia, 1909, chapter 61, approved February 27, 1909, page 494.

Wisconsin.—Wisconsin Statutes, 1953, title 1, chapter 1, section 1.055.

**PART B. FEDERAL CONSTITUTIONAL PROVISIONS AND
STATUTES OF GENERAL EFFECT RELATING TO THE
ACQUISITION AND EXERCISE OF LEGISLATIVE JURIS-
DICTION BY THE UNITED STATES**

CONSTITUTION OF THE UNITED STATES

Article I, section 8, clause 17:

The Congress shall have Power * * *.

*** * ***

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;

Article IV, section 3, clause 2:

*** * ***

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; * * *.

**STATUTES RELATING TO THE ACQUISITION OF LEGISLATIVE
JURISDICTION BY THE UNITED STATES**

Portion of the act of July 30, 1947, United States Code, 1952 Edition, title 4, section—

§ 103. *Assent to purchase of lands for forts.*—The President of the United States is authorized to procure the assent of the legislature of any State, within which any purchase of land has been made for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, without such consent having been obtained (July 30, 1947, ch. 389, § 1, 61 Stat. 641).

Portion of the act of July 1, 1870, United States Code, 1952 Edition, title 24, section—

§ 287. *Jurisdiction of United States.*—From the time any State legislature shall give the consent of such State to the purchase by the

United States of any national cemetery, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by section 8, Article I, of the Constitution of the United States; and all provisions relating to national cemeteries shall be applicable to the same. (R. S. § 4882.)

DERIVATION: Act July 1, 1870, ch. 200, § 1, 16 Stat. 188.

Portion of the Act of March 3, 1821, United States Code, 1952 Edition, Title 33, Section—

§ 727. *Lighthouse and other sites; necessity for cession by State of jurisdiction.*—No lighthouse, beacon, public piers, or landmark, shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States. (R. S. § 4661.)

DERIVATION: Act Mar. 3, 1821, ch. 52, § 3, 3 Stat. 644.

Act of March 2, 1795, United States Code, 1952 Edition, Title 33, Section—

§ 728. *Sufficiency of cession by State; service of State process in lands ceded.*—A cession by a State of jurisdiction over a place selected as the site of a lighthouse, or other structure or work, shall be deemed sufficient within section 727 of this title, notwithstanding it contains a reservation that process issued under authority of such State may continue to be served within such place. And notwithstanding any such cession of jurisdiction contains no such reservation, all process may be served and executed within the place ceded, in the same manner as if no cession had been made (R. S. § 4662).

DERIVATION: Act Mar. 2, 1795, ch. 40, §§ 1, 2, 1 Stat. 426.

Portion of the act of September 11, 1841, which became section 355 of the Revised Statutes of the United States (33 U. S. C. 733, 34 U. S. C. 520, 40 U. S. C. 255, 50 U. S. C. 175 (1934 Edition)), as codified prior to amendment of February 1, 1940—

No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given.

Portions of section 355 of the Revised Statutes of the United States, as amended (Code, 1952 Edition)—

No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, light-house, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title.

* * *

Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial not theretofore obtained over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted. (R. S. § 355; June 28, 1930, ch. 710, 46 Stat. 828; Feb. 1, 1940, ch. 18, 54 Stat. 19; Oct. 9, 1940, ch. 793, 54 Stat. 1083, July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

STATUTES PRESERVING JURISDICTION OF STATES OVER CERTAIN FEDERAL AREAS AND CIVIL AND POLITICAL RIGHTS OF INHABITANTS THEREOF

Portion of the act of August 21, 1935, United States Code, 1952 Edition, title 16—

By this act, the Secretary of the Interior, through the National Park Service, is authorized to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States, and is empowered, for the purposes of the act, to acquire in the name of the United States real or personal property. Section 5, which relates to the jurisdiction of States in lands acquired, is set out in the Code as follows:

§ 465. *Jurisdiction of States in lands acquired.*—Nothing in sections 461–467 of this title shall be held to deprive any State, or political subdivision thereof, of its civil and criminal jurisdiction in and over

lands acquired by the United States under said sections. (Aug. 21, 1935, ch. 593, § 5, 49 Stat. 668.)

Portions of the "Weeks Forestry Act" of March 1, 1911, as amended, United States Code, 1952 Edition, title 16, sections—

§ 480. *Civil and criminal jurisdictions.*—The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State. (June 4, 1897, ch. 2, § 1, 30 Stat. 36; Mar. 1, 1911, ch. 186, § 12, 36 Stat. 963.)

§ 516. *Purchase of lands approved by commission; consent of State; exchange of lands; cutting and removing timber.*—The Secretary of Agriculture is authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission. No deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this section until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams. * * *

Portions of the "Migratory Bird Conservation Act" United States Code, 1952 Edition, title 16—

By this Act, the Migratory Bird Conservation Commission was created to pass upon areas of land, water or land and water recommended by the Secretary of the Interior for purchase or rental as wildlife refuges. The Secretary was authorized to purchase or rent such areas as have been approved by the Commission. Sections 7 and 8 of the Act are set out in the Code as follows:

§ 715f. *Same; consent of State to conveyance.*—No deed or instrument of conveyance shall be accepted by the Secretary of the Interior under sections 715—715d, 715e, 715f—715k, and 715l—715r of this title unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State. (Feb. 18, 1929, ch. 257, § 7, 45 Stat. 1223; 1939 Reorg. Plan No. II, § 4 (f), eff. July 1, 1929, 4 F. R. 2731, 53 Stat. 1432.)

§ 715g. *Jurisdiction of State over areas acquired.*—The jurisdiction of the State, both civil and criminal, over persons upon areas acquired under sections 715—715d, 715e, 715f—715k, and 715l—715r of this title

shall not be affected or changed by reason of their acquisition and administration by the United States as migratory-bird reservations, except so far as the punishment of offenses against the United States is concerned. (Feb. 18, 1929, ch. 257, § 8, 45 Stat. 1224.)

Portion of the Federal Power Act, United States Code, 1952 Edition, title 16—

The Federal Power Commission, which was created and established by the Act, was authorized, among other things, to make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed and to issue licenses for the development, transmission, and utilization of power across, along, from or in any of the streams or other bodies of water over which Congress has jurisdiction to regulate commerce. In the Code, section 27 appears as follows:

§ 821. *State laws and water rights unaffected.*—Nothing contained in this chapter shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective States relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired therein. (June 10, 1920, ch. 285, § 27, 41 Stat. 1077.)

Portion of the act of June 29, 1936, as amended, United States Code, 1952 Edition, title 40, section—

§ 421. *Jurisdiction of State or political subdivision; civil rights under local law preserved.*—The acquisition by the United States of any real property in connection with any low-cost housing, or slum-clearance project constructed with funds allotted to the Administrator of General Services pursuant to any law shall not be held to deprive any State or political subdivision thereof of its civil and criminal jurisdiction in and over such property, or to impair the civil rights under the local law of the tenants or inhabitants on such property; and insofar as any such jurisdiction has been taken away from any such State or subdivision, or any such rights have been impaired, jurisdiction over any such property is ceded back to such State or subdivision. (June 29, 1936, ch. 860, § 1, 49 Stat. 2025; 1939 Reorg. Plan No. 1, §§ 301, 305, eff. July 1, 1939, 4 F. R. 2729, 53 Stat. 1426, 1427; 1943 Ex. Ord. No. 9357, June 30, 1943, 8 F. R. 9041; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

Portion of the United States Housing Act of 1937, as amended, United States Code, 1952 Edition, title 42—

The Public Housing Administration was authorized to make loans to public-housing agencies to assist the development, acquisition, or administration of low-rent-housing or slum-clearance projects by such agencies. The Administration may foreclose on any property

and may purchase at foreclosure or acquire any project which it previously owned or in connection with which it made a loan. Section 13 (b) of the Act relating to State civil and criminal jurisdiction appears in the Code as Section 1413 (b) and reads as follows:

(b) *Civil and criminal jurisdiction of States.*—The acquisition by the Administration of any real property pursuant to this chapter shall not deprive any State or political subdivision thereof of its civil and criminal jurisdiction in and over such property or impair the civil rights under the State or local law of the inhabitants on such property; and, insofar as any such jurisdiction may have been taken away or any such rights impaired by reason of the acquisition of any property transferred to the Administration pursuant to section 1404 (d) of this title, such jurisdiction and such rights are fully restored.

Portions of the act of October 14, 1940, as amended, United States Code, 1952 Edition, title 42, sections—

§1521. *Housing and House Finance Administrator's powers respecting defense housing.*—In order to provide housing for persons engaged in national-defense activities, and their families, and living quarters for single persons so engaged, in those areas or localities in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities and that such housing would not be provided by private capital when needed, the Housing and Home Finance Administrator (hereinafter referred to as the "Administrator") is authorized:

(a) To acquire prior to the approval of title by the Attorney General (without regard to section 1339 of title 10 and section 5 of title 41), improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to sections 40a and 34 of title 40, or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under sections 257, 258, 361—386, and 258a—258e of title 40).

* * *

§ 1547. *Preservation of local civil and criminal jurisdiction and civil rights.*—Notwithstanding any other provision of law, the acquisition by the Administrator of any real property pursuant to subchapters II—VII of this chapter shall not deprive any State or political subdivision thereof, including any Territory or possession of the United States, of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property. As used in this section the term "State" shall include the District of Columbia. (Oct. 14, 1940, ch. 862, title III, § 10, 54 Stat. 1128; renumbered § 307

and amended June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363; 1942 Ex. Ord. No. 9070, § 1, Feb. 24, 1942, 7 F. R. 1529; Apr. 10, 1942, ch. 239, § 3 (b), 56 Stat. 212; 1947 Reorg. Plan. No. 3, eff. July 27, 1947, 12 F. R. 4981, 61 Stat. 954; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; Apr. 20, 1950, ch. 94, title II, § 204, 64 Stat. 73.)

Portions of the Defense Housing and Community Facilities and Services Act of 1951, United States Code, 1952 Edition, title 42, sections—

§ 1592. *Authority of Administrator.*—Subject to the provisions and limitations of sections 1591—1591c of this title, and of this subchapter, the Housing and Home Finance Administrator (hereinafter referred to as the “Administrator”) is authorized to provide housing in any areas (subject to the provisions of section 1591 of this title) needed for defense workers or military personnel or to extend assistance for the provision of, or to provide community facilities or services required in connection with national defense activities in any area which the President, pursuant to the authority contained in said section, has determined to be a critical defense housing area. (Sept. 1, 1951, ch. 378, title III, § 301, 65 Stat. 303.)

§ 1592f. *Preservation of local civil and criminal jurisdiction, and civil rights; jurisdiction of State courts.*—Notwithstanding any other provisions of law, the acquisition by the United States of any real property pursuant to this subchapter or subchapter X of this chapter shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property, or impair the civil or other rights under the State or local law of the inhabitants of such property. Any proceedings by the United States for the recovery of possession of any property or project acquired, developed, or constructed under this subchapter or subchapter X of this chapter may be brought in the courts of the States having jurisdiction of such causes. (Sept. 1, 1951, ch. 378, title III, § 307, 65 Stat. 307.)

Portions of the Reclamation Law, United States Code, 1952 Edition, title 43—

This act provides for the irrigation of, and related benefits to, lands in the 17 Western States by the Federal Government. Section 383 of the Code which states that the law shall not be construed as affecting or interfering with State laws relating to water is set out as follows:

§ 383. *Vested rights and State laws unaffected by certain sections.*—Nothing in sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 491, and 496 of this title shall be construed as affecting or intended to affect or in any way interfere with the laws of any

State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of such sections, shall proceed in conformity with such laws, and nothing in such sections shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof. (June 17, 1902, ch. 1093, § 8, 32 Stat. 390.)

Sections 455-455c provide that the lands of homestead and desert-land entrymen may be taxed by the States or political subdivisions in which they are located, and that such taxes shall be a lien upon the lands, but that if the lands of such entrymen revert to the United States all liens shall be extinguished.

STATUTES EXTENDING CERTAIN STATE LEGISLATION TO FEDERAL AREAS

Lea Act (Portion of act of July 30, 1947), United States Code, 1952 Edition, title 4, section—

§ 104. *Tax on motor fuel sold on military or other reservation, reports to State taxing authority.*—(a) All taxes levied by any State, Territory, or the District of Columbia upon, with respect to, or measured by, sales, purchases, storage, or use of gasoline or other motor vehicle fuels may be levied, in the same manner and to the same extent, with respect to such fuels when sold by or through post exchanges, ship stores, ship service stores, commissaries, filling stations, licensed traders, and other similar agencies, located on United States military or other reservations, when such fuels are not for the exclusive use of the United States. Such taxes, so levied shall be paid to the proper taxing authorities of the State, Territory, or the District of Columbia, within whose borders the reservation affected may be located.

(b) The officer in charge of such reservation shall, on or before the fifteenth day of each month, submit a written statement to the proper taxing authorities of the State, Territory, or the District of Columbia within whose borders the reservation is located, showing the amount of such motor fuel with respect to which taxes are payable under subsection (a) for the preceding month. (July 30, 1947, ch. 389, § 1, 61 Stat. 641.)

Buck Act (Portions of act of July 30, 1947), United States Code, 1952 Edition, title 4, sections—

§ 105. *State, and so forth, taxation affecting Federal areas; sales or use tax.*—(a) No person shall be relieved from liability for payment of, collection of, or accounting for any sales or use tax levied by any

State, or by any duty constituted taxing authority therein, having jurisdiction to levy such a tax, on the ground that the sale or use, with respect to which such tax is levied, occurred in whole or in part within a Federal area; and such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

(b) The provisions of subsection (a) shall be applicable only with respect to sales or purchases made, receipts from sales received, or storage or use occurring, after December 31, 1940. (July 30, 1947, ch. 389, § 1, 61 Stat. 641.)

§ 106. *Same; income tax.*—(a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area or receiving income from transactions occurring or services performed in such area; and such State or taxing authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

(b) The provisions of subsection (a) shall be applicable only with respect to income or receipts received after December 31, 1940. (July 30, 1947, ch. 389, § 1, 61 Stat. 641.)

§ 107. *Same; exception of United States, its instrumentalities, and authorized purchases therefrom.*—(a) The provisions of sections 105 and 106 of this title shall not be deemed to authorize the levy or collection of any tax on or from the United States or any instrumentality thereof, or the levy or collection of any tax with respect to sale, purchase, storage, or use of tangible personal property sold by the United States or any instrumentality thereof to any authorized purchaser.

(b) A person shall be deemed to be an authorized purchaser under this section only with respect to purchases which he is permitted to make from commissaries, ship's stores, or voluntary unincorporated organizations of Army or Navy personnel, under regulations promulgated by the Secretary of War or the Secretary of the Navy. (July 30, 1947, ch. 389, § 1, 61 Stat. 641.)

§ 108. *Same; jurisdiction of United States over Federal areas unaffected.*—The provisions of sections 105–110 of this title shall not for the purposes of any other provision of law be deemed to deprive the United States of exclusive jurisdiction over any Federal area over which it would otherwise have exclusive jurisdiction or to limit the jurisdiction of the United States over any Federal area. (July 30, 1947, ch. 389, § 1, 61 Stat. 641.)

§ 109. *Same; exception of Indians.*—Nothing in sections 105 and 106 of this title shall be deemed to authorize the levy or collection of any tax on or from any Indian not otherwise taxed. (July 30, 1947, ch. 389, § 1, 61 Stat. 641.)

§ 110. *Same; definitions.*—As used in sections 105–109 of this title—

(a) The term “person” shall have the meaning assigned to it in section 3797 of title 26.

(b) The term “sales or use tax” means any tax levied on, with respect to, or measured by, sales, receipts from sales, purchases, storage, or use of tangible personal property, except a tax with respect to which the provisions of section 104 of this title are applicable.

(c) The term “income tax” means any tax levied on, with respect to, or measured by, net income, gross income, or gross receipts.

(d) The term “State” includes any Territory or possession of the United States.

(e) The term “Federal area” means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency, of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State. (July 30, 1947, ch. 389, § 1, 61 Stat. 641.)

Portion of the Public Salary Tax Act of 1939, United States Code, 1952 Edition, Title 5, Section—

§ 84a. *Consent of United States to taxation of compensation of officers and employees of United States, Territories, etc.*—The United States consents to the taxation of compensation, received after December 31, 1938, for personal service as an officer or employee of the United States, any Territory or possession or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, by any duly constituted taxing authority having jurisdiction to tax such compensation, if such taxation does not discriminate against such officer or employee because of the source of such compensation. (Apr. 12, 1939, ch. 59, Title I, § 4, 53 Stat. 575.)

Act of July 17, 1952, United States Code, 1952 Edition, title 5—

§ 84b. *Withholding State income taxes of Federal employees by Federal agencies.*—Where—

(1) the law of any State or Territory provides for the collection of a tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and making returns of such sums to the authorities of such State or Territory, and

(2) such duty to withhold is imposed generally with respect

to the compensation of employees who are residents of such State or Territory.

then the Secretary of the Treasury, pursuant to regulations promulgated by the President, is authorized and directed to enter into an agreement with such State or Territory within one hundred and twenty days of the request for agreement from the proper official of such State or Territory. Such agreement shall provide that the head of each department or agency of the United States shall comply with the requirements of such law in the case of employees of such agency or department who are subject to such tax and whose regular place of Federal employment is within the State or Territory with which such agreement is entered into. No such agreement shall apply with respect to compensation for service as a member of the Armed Forces of the United States. (July 17, 1952, ch. 940, § 1, 66 Stat. 765.)

Portion of the Immigration and Nationality Act, United States Code, 1952 Edition, Title 8, Section—

§ 13.58. *Local jurisdiction over immigrant stations.*—The officers in charge of the various immigrant stations shall admit therein the proper State and local officers charged with the enforcement of the laws of the State or Territory of the United States in which any such immigrant station is located in order that such State and local officers may preserve the peace and make arrests for crimes under the laws of the States and Territories. For the purpose of this section the jurisdiction of such State and local officers and of the State and local courts shall extend over such immigrant stations. (June 27, 1952, ch. 477, title II, ch. 9, § 288, 66 Stat. 234.)

Portions of the act of August 5, 1947, United States Code, 1952 Edition, title 10—

§ 1270. *Lease of real or personal property; period of lease; terms and conditions; revocation; disposition of receipts; report to Congress.*—Whenever the Secretary of the Army shall deem it to be advantageous to the Government he is authorized to lease such real or personal property under the control of his Department as is not surplus to the needs of the Department within the meaning of the Act of October 3, 1944 (58 Stat. 765), and is not for the time required for public use, to such lessee or lessees and upon such terms and conditions as in his judgment will promote the national defense or will be in the public interest * * *.

CODIFICATION: Similar provisions relating to the Air Force and Navy are set out as section 626a-3 of title 5, Executive Departments and Government Officers and Employees and section 522a of title 34, Navy, respectively.

§ 1270d. *Same; State or local taxation; renegotiation of leases.*—The lessee's interest made or created pursuant to the provisions of sections 1270–1270b, and 1270d of this title, shall be made subject to State or local taxation. Any lease of property authorized under the provisions of said sections shall contain a provision that if and to the extent that such property is made taxable by State and local governments by act of Congress, in such event the terms of such lease shall be renegotiated. (Aug. 5, 1947, ch. 493, § 6, 61 Stat. 775.)

CODIFICATION: Similar provisions relating to the Air Force and the Navy are set out as section 626s–6 of title 5, Executive Departments and Government Officers and Employees and section 522e of title 34, Navy.

Act of February 1, 1928, United States Code, 1952 Edition, title 16—

§ 457. *Action for death or personal injury within national park or other place under jurisdiction of United States; application of State laws.*—In the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, within the exterior boundaries of any State, such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State within the exterior boundaries of which it may be. (Feb. 1, 1928, ch. 15, 45 Stat. 54.)

Portions of the act of June 25, 1948, as amended, United States Code, 1952 Edition, title 18—

§ 7. *Special maritime and territorial jurisdiction of the United States defined.*—The term “special maritime and territorial jurisdiction of the United States”, as used in this title, includes:

* * *

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof; or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

§ 13. *Laws of States adopted for areas within Federal jurisdiction.*—Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or

omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment. (June 25, 1948, ch. 645, § 1, 62 Stat. 686.)

(Assimilative Crimes Act.)

Portion of Internal Revenue Code, United States Code, 1952 Edition, title 26, section 1606, subsections—

(b) The legislature of any State may require any instrumentality of the United States (except such as are (A) wholly owned by the United States, or (B) exempt from the tax imposed by section 1600 by virtue of any other provision of law), and the individuals in its employ, to make contributions to an unemployment fund under a State unemployment compensation law approved by the Secretary of Labor under section 1603 and (except as provided in section 5240 of the Revised Statutes, as amended, and as modified by subsection (c) of this section) to comply otherwise with such law. The permission granted in this subsection shall apply (1) only to the extent that no discrimination is made against such instrumentality, so that if the rate of contribution is uniform upon all other persons subject to such law on account of having individuals in their employ, and upon all employees of such persons, respectively, the contributions required of such instrumentality or the individuals in its employ shall not be at a greater rate than is required of such other persons and such employees, and if the rates are determined separately for different persons or classes of persons having individuals in their employ or for different classes of employees, the determination shall be based solely upon unemployment experience and other factors bearing a direct relation to unemployment risk, and (2) only if such State law makes provision for the refund of any contributions required under such law from an instrumentality of the United States or its employees for any year in the event said State is not certified by the Secretary of Labor under section 1603 with respect to such year.

* * *

(d) No person shall be relieved from compliance with a State unemployment compensation law on the ground that services were performed on land or premises owned, held, or possessed by the United States, and any State shall have full jurisdiction and power to enforce the provisions of such law to the same extent and with the same effect as though such place were not owned, held, or possessed by the United States.

Act of June 25, 1936, United States Code, 1952 Edition, title 40—
 § 290. *State workmen's compensation laws; extension to buildings and works of United States.*—Whatsoever constituted authority of each of the several States is charged with the enforcement of and requiring compliances with the State workmen's compensation laws of said States and with the enforcement of and requiring compliance with the orders, decisions, and awards of said constituted authority of said States shall have the power and authority to apply such laws to all lands and premises owned or held by the United States of America by deed or act of cession, by purchase or otherwise, which is within the exterior boundaries of any State and to all projects, buildings, constructions, improvements, and property belonging to the United States of America, which is within the exterior boundaries of any State, in the same way and to the same extent as if said premises were under the exclusive jurisdiction of the State within whose exterior boundaries such place may be.

For the purposes set out in this section, the United States of America vests in the several States within whose exterior boundaries such place may be, insofar as the enforcement of State workmen's compensation laws are affected, the right, power, and authority aforesaid: *Provided, however,* That by the passage of this section the United States of America in nowise relinquishes its jurisdiction for any purpose over the property named, with the exception of extending to the several States within whose exterior boundaries such place may be only the powers above enumerated relating to the enforcement of their State workmen's compensation laws as herein designated: *Provided further,* That nothing in this section shall be construed to modify or amend the United States Employees' Compensation Act, as amended. (June 25, 1936, ch. 822, §§ 1, 2, 49 Stat. 1938, 1939.)

Portions of the act of October 14, 1940, as amended, United States Code, 1952 Edition, title 42—

§ 1521. *Housing and Home Finance Administrator's powers respecting defense housing.*—In order to provide housing for persons engaged in national-defense activities, and their families, and living quarters for single persons so engaged, in those areas or localities in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities and that such housing would not be provided by private capital when needed, the Housing and Home Finance Administrator (hereinafter referred to as the "Administrator") is authorized:

(a) To acquire prior to the approval of title by the Attorney General (without regard to section 1339 of title 10 and section 5 of title 41), improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to sections 40a and 34 of title 40, or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under sections 257, 258, 361-386, and 258a-258e of title 40).

* * *

§ 1547. *Preservation of local civil and criminal jurisdiction and civil rights.*—Notwithstanding any other provision of law, the acquisition by the Administrator of any real property pursuant to subchapters II-VII of this chapter shall not deprive any State or political subdivision thereof, including any Territory or possession of the United States, of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property. As used in this section the term “State” shall include the District of Columbia. (Oct. 14, 1940, ch. 862, title III, § 10, 54 Stat. 1128; renumbered § 307 and amended June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363; 1942 Ex. Ord. No. 9070, § 1, Feb. 24, 1942, 7 F. R. 1529; Apr. 10, 1942, ch. 239, § 3 (b), 56 Stat. 212; 1947 Reorg. Plan No. 3, eff. July 27, 1947, 12 F. R. 4981, 61 Stat. 954; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; Apr. 20, 1950, ch. 94, title II, § 204, 64 Stat. 73.)

Portions of the Defense Housing and Community Facilities and Services Act of 1951, United States Code, 1952 Edition, title 42—

§ 1592. *Authority of Administrator.*—Subject to the provisions and limitations of sections 1591-1591c of this title, and of this subchapter, the Housing and Home Finance Administrator (hereinafter referred to as the “Administrator”) is authorized to provide housing in any areas (subject to the provisions of section 1591 of this title) needed for defense workers or military personnel or to extend assistance for the provision of, or to provide community facilities or services required in connection with national defense activities in any area which the President, pursuant to the authority contained in said section, has determined to be a critical defense housing area. (Sept. 1, 1951, ch. 373, title III, § 301, 65 Stat. 303.)

§ 1592d. *Administrator's power with respect to housing facilities, and services*—(a) *Planning, acquisition, construction, etc.*

* * * Notwithstanding any provisions of this Act, housing or community facilities constructed by the United States pursuant to the authority contained herein shall conform to the requirements of

State and local laws, ordinances, rules, or regulations relating to health and sanitation, and, to the maximum extent practicable, taking into consideration the availability of materials and the requirements of national defense, any housing or community facilities, except housing or community facilities of a temporary character, constructed by the United States pursuant to the authority contained herein shall conform to the requirements of State or local laws, ordinances, rules, or regulations relating to building codes.

Portion of the Outer Continental Shelf Lands Act, United States Code, 1952 Edition (Supp. II), title 43—

§ 1333. *Laws and regulations governing lands—(a) Constitution and United States laws; laws of adjacent States; publication of projected States lines; restriction on State taxation and jurisdiction.—*

(1) The Constitution and laws and civil and political jurisdiction of the United States are extended to the subsoil and seabed of the outer Continental Shelf and to all artificial islands and fixed structures which may be erected thereon for the purpose of exploring for, developing, removing, and transporting resources therefrom, to the same extent as if the outer Continental Shelf were an area of exclusive Federal jurisdiction located within a State: *Provided, however,* That mineral leases on the outer Continental Shelf shall be maintained or issued only under the provisions of this subchapter.

(2) To the extent that they are applicable and not inconsistent with this subchapter or with other Federal laws and regulations of the Secretary now in effect or hereafter adopted, the civil and criminal laws of each adjacent State as of the effective date of this subchapter are declared to be the law of the United States for that portion of the subsoil and seabed of the outer Continental Shelf, and artificial islands and fixed structures erected thereon, which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the President shall determine and publish in the Federal Register such projected lines extending seaward and defining each such area. All of such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to the outer Continental Shelf.

STATUTES GRANTING EASEMENTS, RIGHTS-OF-WAY AND ROADS OVER FEDERAL LANDS AND CEDING JURISDICTION

Act of May 31, 1947, United States Code, 1952 Edition, title 38—

§ 11i. *Grant of easements by Administrator in lands under his control; jurisdiction over exchanged lands; termination of easement.—*

The Administrator of Veterans' Affairs, whenever he deems it advantageous to the Government and upon such terms and conditions as he deems advisable, is authorized on behalf of the United States to grant to any State, or any agency or political subdivision thereof, or to any public-service company, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Administrator of Veterans' Affairs deems necessary or desirable, is ceded to the State in which the land is located. The Administrator of Veterans' Affairs is authorized to accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as he may deem necessary or desirable over the land so acquired. Any such easement or right-of-way shall be terminated upon abandonment or nonuse of the same and all right, title, and interest in the land covered thereby shall thereupon revert to the United States or its assignee. (May 31, 1947, ch. 89, 61 Stat. 124.)

Act of May 9, 1941, United States Code, 1952 Edition, title 43—

§ 931a. *Authority of Attorney General to grant easements and rights-of-way to States, etc.*—The Attorney General, whenever he deems it advantageous to the Government and upon such terms and conditions as he deems advisable, is authorized on behalf of the United States to grant to any State, or any agency or political subdivision thereof, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Attorney General deems necessary or desirable, is ceded to such State. The Attorney General is authorized to accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as he may deem necessary or desirable over the land so acquired. (May 9, 1941, ch. 94, 55 Stat. 183.)

Portion of the War Department Civil Appropriation Act, 1942, as amended, United States Code, 1952 Edition, title 24—

§ 289. *Conveyance to State or municipality of approach road to national cemetery.*—The Secretary of the Army is authorized to convey

to any State, county, municipality, or proper agency thereof, in which the same is located all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery: *Provided*, That prior to the delivery of any instrument of conveyance hereunder, the State, county, municipality, or agency to which the conveyance herein authorized is to be made, shall notify the Secretary of the Army in writing of its willingness to accept and maintain the road included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized the jurisdiction of the United States of America over the road conveyed shall cease and determine and shall thereafter vest in the State in which said road is located. (May 23, 1941, ch. 130, § 1, 55 Stat. 191, July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

MISCELLANEOUS FEDERAL STATUTES

Portion of the act of June 25, 1948, as amended, United States Code, 1952 Edition, title 18—

§ 3401. *Petty offenses; application of probation laws; fees.*—(a) Any United States commissioner specially designated for that purpose by the court by which he was appointed has jurisdiction to try and sentence persons committing petty offenses in any place over which the Congress has exclusive power to legislate or over which the United States has concurrent jurisdiction, and within the judicial district for which such commissioner was appointed.

(b) Any person charged with a petty offense may elect, however, to be tried in the district court of the United States. The commissioner shall apprise the defendant of his right to make such election and shall not proceed to try the case unless the defendant after being so apprised, signs a written consent to be tried before the commissioner.

(c) The probation laws shall be applicable to persons so tried and the commissioner shall have power to grant probation.

(d) For his services in such cases the commissioner shall receive the fees, and none other, provided by law for like or similar services.

(e) This section shall not apply to the District of Columbia nor shall it repeal or limit existing jurisdiction, power or authority of commissioners appointed for Alaska or in the several national parks. (June 25, 1948, ch. 645, § 1, 62 Stat. 830.)

Portions of the act of June 1, 1948, as amended, United States Code, 1952 Edition, title 40—

§ 318. *Protection of Federal property under jurisdiction of Administrator of General Services; appointment of guards as special policemen; compensation; duties; jurisdiction.*—The Administrator of General Services or officials of the General Services Administra-

tion duly authorized by him may appoint uniformed guards of said Administration as special policemen without additional compensation for duty in connection with the policing of public buildings and other areas under the jurisdiction of the General Services Administration. Such special policemen shall have the same powers as sheriffs and constables upon such Federal property to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations made and promulgated by the Administrator or such duly authorized officials of the General Services Administration for the property under their jurisdiction: *Provided*, That the jurisdiction and policing powers of such special policemen shall not extend to the service of civil process and shall be restricted to Federal property over which the United States has acquired exclusive or concurrent criminal jurisdiction (June 1, 1948, ch. 359, § 1, 62 Stat. 281; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

§ 318a. *Same; rules and regulations; posting.*—The Administrator of General Services or officials of the General Services Administration duly authorized by him are authorized to make all needful rules and regulations for the government of the Federal property under their charge and control, and to annex to such rules and regulations such reasonable penalties, within the limits prescribed in section 318c of this title, as will insure their enforcement: *Provided*, That such rules and regulations shall be posted and kept posted in a conspicuous place on such Federal property. (June 1, 1948, ch. 359, § 2, 62 Stat. 281; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

§ 318b. *Same; application for protection; detail of special police; utilization of Federal law-enforcement agencies.*—Upon the application of the head of any department or agency of the United States having property of the United States under its administration and control and over which the United States has acquired exclusive or concurrent criminal jurisdiction, the Administrator of General Services or officials of the General Services Administration duly authorized by him are authorized to detail any such special policemen for the protection of such property and if he deems it desirable, to extend to such property the applicability of any such regulations and to enforce the same as set forth in sections 318–318c of this title; and the Administrator of General Services or official of the General Services Administration duly authorized by him, whenever it is deemed economical and in the public interest, may utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, the facilities and services of such State or local law-enforcement agencies. (June 1, 1948, ch. 359,

§ 3, 62 Stat. 281, June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

§ 318c. *Same; penalties.*—Whoever shall violate any rule or regulation promulgated pursuant to section 318a of this title shall be fined not more than \$50 or imprisoned not more than thirty days, or both. (June 1, 1948, ch. 359, § 4, 62 Stat. 281.)



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